



Item 7.1 – 7.4: Approval of Planning Commission Meeting Minutes

Meeting Dates

1. April 16, 2008
2. May 21, 2008
3. June 04, 2008
4. September 03, 2008

Please submit all corrections changes to Terri Forbes.
tforbesgroup@hotmail.com

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, April 16, 2008**
5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**
9

10 **ATTENDANCE**

11
12 **Planning Commission Members:**

City Staff:

13
14 Gordon Nicholl, Chairman
15 Geoff Armstrong
16 Perry Bolyard, Alternate
17 J. Thomas Bowen
18 JoAnn Frost
19 Jerri Harwell, Alternate
20 Doug Haymore
21 Jim Keane
22 Amy Rosevear
23

 Michael Black, Planning Director

24 **REGULAR MEETING**

25
26 1. **Welcome/Acknowledgements.**
27

28 Chairman Gordon Nicholl called the meeting to order at 7:00 p.m. He reported that the flag lot
29 issue on 2300 East was removed from the agenda. The matter would most likely be heard at the
30 next meeting scheduled for the third Wednesday in May. Planning Director, Michael Black,
31 commented that staff cannot foresee every potential problem. He thought it was better to remove a
32 matter from the agenda than put it on when there are problems with it.
33

34 (19:00:45) Mr. Black invited interested citizens to contact him at any time for information on the
35 matter. He reported that a property owner was attempting to create a flag lot. There were issues
36 that came up with regard to the driveway easement crossing property lines. After that meeting,
37 other property owners who were attempting to do the same thing were contacted and the issue was
38 postponed. Currently on the property there were existing lots. The request was to create a third lot
39 in the rear with a driveway running between two duplexes on 2300 East. There would be a single-
40 family home built in the rear where the existing home is currently situated. Mr. Black apologized to
41 those who were present who were not notified that the item was cancelled.
42

43 Mr. Black stated that the situation involved a standard subdivision that is somewhat a permitted use.
44 The request would involve the subdivision of property. He explained that the property could be
45 sold after it is subdivided and someone else could build within the guidelines of the code. The code
46 would allow two duplexes in the front on the two lots because the zoning is R-2-8. The back lot

would not allow duplexes. Only a single-family home would be allowed with a maximum height of 27 feet with at least a 20-foot setback from every property line.

2. Citizen Comments.

There were no citizen comments.

3. Reports/Presentations.

3.1 Report on R-1-8 Zoning Amendment. Modifying Setbacks for Accessory Structures.

(19:07:00) Mr. Black stated that the amendment involved all of the residential zones in the City other than the R-2-8. They were looking at the side and rear setbacks for accessory buildings and conditional uses. The Commission Members were encouraged to look closely at the conditional uses and identify any concerns with Mr. Black. Mr. Black reported that there were at least four ordinances under review presently. Staff was trying to keep them moving through the process. The next meeting was expected to be fairly significant.

3.2 Report on Upcoming Public Hearings.

(19:08:10) Mr. Black reviewed the upcoming public hearings. He reported that he still needed information on the 1976 Supplementary Qualifying Regulations and commented that this section of the code was significant. With regard to 19.90 amendments to the zoning, Mr. Black did not expect to hear anything, as he did not think there was anything else to discuss. The City was simply coming into compliance with LUDMA. The last issue was discussed earlier in the meeting.

4. Action Items.

4.1 No Items Scheduled.

5. Approval of Minutes.

5.1 April 2, 2008, Planning Commission Meeting.

(19:09:07) *Commissioner Keane moved to approve the minutes as written. Commissioner Frost seconded the motion. Vote on motion: Gordon Nicholl-Aye, Geoff Armstrong-Aye, J. Thomas Bowen-Aye, JoAnn Frost-Aye, Doug Haymore-Aye, Jim Keane-Aye, Amy Rosevear-Aye. The motion passed.*

6. Planning Director's Report.

(19:09:21) Mr. Black reiterated that the next Planning Commission Meeting was scheduled for May 21, 2008. He spoke with Neil Stowe from the Architectural Review Commission who is in charge of the first phase of the redevelopment of downtown Salt Lake City. They planned to meet either in late May or June. Mr. Black proposed that the Commission meet with Mr. Stowe on a Wednesday and conduct a work session meeting. It was expected that the discussion would last two to four hours and the discussion would focus on the architectural review in the Gateway Zone and what items should be guidelines and which should be standards.

1 Chair Nicholl suggested the meeting commence around 6:00 p.m.

2
3 Mr. Black realized it was frustrating for citizens to come to the meeting and discover that the main
4 item has been cancelled. He did, however, want to explain the situation to those present.
5 Commissioner Keane thought the citizens want to be treated with respect and not made to feel like
6 they are being taken advantage of by government. Because the City is small, he thought they tried
7 hard to deal with citizens face-to-face. He could see that the citizens were satisfied when they left.
8 Mr. Black stated that any citizen would be treated in a similar fashion.

9
10 Chair Nicholl noted that in the business meeting Mr. Black gave the Commission Members a good
11 synopsis of the progress being made on the new Walgreen's store and the concerns about the wall
12 on 2300 East and Fort Union Boulevard. The Commission would be very cognizant of what is
13 going on there and watch it closely.

14
15 Mr. Black gave an update on the "pork chop" situation. He asked City Engineer, Brad Gilson, to
16 meet with the owners, which he did. They came up with some options that they believed might
17 work. One possible solution would involve adding vertical cones with a reflector on the top. It
18 would be a temporary fix. If it works, however, it could potentially be a permanent fix. Mr. Black
19 stated that the best solution would be to remove some of the landscaping and create a dedicated
20 right turn lane. He suggested the first option be experimented with first. If it does not work, the
21 City would be justified in going back to the applicants and indicating that the access cannot be
22 controlled with anything other than what the City determines.

23
24 (19:13:23) Mr. Black commented that Fort Union Boulevard was being redone from 1300 East to
25 Highland Drive. A true fix would be to install an unmountable median in the middle of the road. It
26 would still allow a left turn lane but would not allow a car to go over it. Mr. Black thought it would
27 be difficult to force the applicants into building the right turn lane. If people are willing to break the
28 law, the applicants have no control over that. He did not view compliance with the law as the
29 responsibility of the business owner. Chair Nicholl stated that it was made evident by the applicant
30 that it is a left turn only access. He believed the applicants had done everything necessary to meet
31 the standard of law on that issue. If the applicants work with the City to facilitate making it a little
32 bit better, that would be great. If, however, the City pushes the applicants, they could tie the City
33 up for a long time.

34
35 Mr. Black stated that the City Engineer's opinion was that the concrete strip on the edge of the left
36 turn lane would fix the situation completely. It would still allow motorists to turn left into the site
37 but they would have to go the opposite direction of traffic and then turn up through the left turn lane
38 in order to make that movement. Mr. Black realized the City still had options and they were
39 working with the applicant to resolve.

40
41 Commissioner _____ asked if there would be a moratorium on utilities once the resurfacing
42 of Fort Union Boulevard is complete. She asked if that was a standard. She had heard that West
43 Jordan goes seven years and gives the utilities 18 to 24 months' notice. In the future she asked if
44 the City could extend the moratorium out so that utilities can't come behind shortly after and dig a
45 long trench in the road. Mr. Black suggested the matter be addressed with Kevin Smith.

1 7. **Adjournment.**
2
3 (19:20:40) *Commissioner _____ moved to adjourn. Commissioner _____ seconded the motion.*
4 *Vote on motion: Gordon Nicholl-Aye, Geoff Armstrong-Aye, J. Thomas Bowen-Aye, JoAnn*
5 *Frost-Aye, Doug Haymore-Aye, Jim Keane-Aye, Amy Rosevear-Aye. The motion passed.*
6
7 The Planning Commission Meeting adjourned at 7:20 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, April 16, 2008.*
3
4
5

6 
7
8

9 Teri Forbes
10 T Forbes Group
11 Minutes Secretary
12
13

14 Minutes approved:

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, May 21, 2008**

5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**
9

10 **ATTENDANCE**

11
12 **Planning Commission Members:**

12 **City Staff:**

13
14 Gordon Nicholl, Chairman
15 Geoff Armstrong
16 Perry Bolyard, Alternate
17 J. Thomas Bowen
18 JoAnn Frost
19 Jerri Harwell, Alternate
20 Jim Keane
21 Amy Rosevear
22

14 Michael Black, Planning Director
15 Greg Platt, City Planner
16 Morgan Brim, Planning Technician

23 **REGULAR MEETING**

24
25 **1. Welcome/Acknowledgements.**

26
27 Chairman Gordon Nicholl called the meeting to order at 7:00 p.m. Procedural issues were
28 reviewed.
29

30 **2. Citizen Comments.**

31
32 (19:01:33) Chair Nicholl stated that the purpose of this item was to allow citizens to address
33 issues with the Planning Commission that are not part of the agenda.
34

35 Mike Evans stated that there is a stop light at La Cresta and 2000 East where there needs to be a
36 no right hand turn on red sign introduced due to traffic coming out of the west side of 2000 East
37 off of the old Highland Drive and La Cresta. He stated that people turn on the red light as
38 vehicles come off the old frontage road. He personally had witnessed several near-accidents and
39 had been involved in four near hits. Mr. Evans clarified that the problem had to do with the
40 southbound 2000 East traffic turning onto La Cresta.
41

42 Planning Director, Michael Black, commented that Deputy City Manager, Kevin Smith, looked
43 at the situation extensively and presented findings to the City Council on the issue. He suggested
44 Mr. Smith be contacted. Mr. Evans stated that the situation was addressed previously before the
45 City was incorporated but nothing was ever done. Mr. Black stated that if the Council addresses
46 something, they either decide to act on it or not. Mr. Smith would know what decision was
47 made.
48

1 (19:04:58) Eileen Grady, a 6450 South resident, stated that when the freeway was put in, there
2 was water put along side it. She and the state put foliage, trees, and shrubs in the area. The
3 water was cutoff last year and there hadn't been any since. The County used to water the area
4 when Phil McCraley was tending it. Ms. Grady wondered if the area would be restored. She
5 identified the area as approximately 2196 East to 2300 East. She was worried that the trees
6 would die.

7
8 Mr. Black stated that this was an issue that should be addressed with Kevin Smith. Mr. Black
9 recalled being contacted about the matter previously. The area was maintained by the
10 neighborhood recreation center that runs all of the recreational facilities, including parks, for the
11 entire City. The area described is a service area. Mr. Black's recollection was that a decision
12 had been made on the matter. He suggested Mr. Smith be contacted to find out the latest.

13
14 There were no further public comments.

15
16 **3. Public Hearings/Actions Items.**

17 **3.1 The Planning Commission will Receive Public Comment and Take Action on a**
18 **Request by Julian Finlinson for the Oliphant Flat Lot Subdivision Located at 6561**
19 **South and 6569 South 2300 East.**

20
21 (19:07:15) City Planner, Greg Platt, presented the staff report and stated that the applicant was to
22 divide a lot off of the back end of the front lot and create a flag lot, which is a lot that would have
23 an access easement to the south of the existing home. The existing garage would be moved to
24 the back corner of the property and the house placed where the yellow box is presently. Mr. Platt
25 stated that an easement would be created over the front two lots to create access to the rear lot.
26 He explained that there are additional requirements that don't apply to normal lots. First, they
27 have to be 25% bigger than the minimum required and there has to be access granted. Building
28 standards also apply with a maximum height of 28 feet rather than the typical 35 feet. The
29 subdivision as proposed fits the applicable ordinances. Staff recommended approval.

30
31 Chair Nicholl clarified that the yellow boxes show the approximate placement of a house. They
32 do not represent the exact square footage of the house and are not to scale.

33
34 (19:11:13) Chair Nicholl opened the public hearing.

35
36 Lori Longhurst reported that she lives on the opposite side of the second proposal. Her
37 comments, however, referred to both properties. Her biggest concern was traffic and that it goes
38 on 2300 East. She had noticed that people don't obey the speed limit and believed that increased
39 traffic will affect the road. With the slope of the property and how high the proposed homes will
40 be on both of those lots. She stated that her property slopes from one corner to the other by five
41 feet. If homes are put next to that, they will look down on the patios of the neighbors. She had
42 photos of the property, which had been in her family for over 50 years, showing everything
43 around it. Mrs. Longhurst likes where she lives and wants to stay but doesn't want more housing
44 encroaching on her. She likes the open space and noticed that the businesses across freeway
45 used to all be open space when she moved to the area. She thought there was value to leaving
46 some open space. She identified her property on the site map.

47
48 Chair Nicholl wanted to make it clear that the property is zoned R-2-8. It is a duplex property,
49 which allows a two-family home on an 8,000 square-foot lot on the front lots. The rear lots,

1 however, were required to be 125% of the underlying zoning. As a result, the rear lots must be a
2 minimum of 10,000 square feet. On the front lot, the property owner can build to a maximum
3 height of 35 feet. Because the intent is for the properties in the rear to be much smaller and less
4 impactful on the neighbors, those properties can only be built to a maximum of 28 feet. In
5 addition, they must have a 20-foot setback from the property lines all the way around. Chair
6 Nicholl stated that the City had done a lot of work to minimize the impact of flag lot properties
7 on the neighbors. Nearby property owners must also understand that the property owner has
8 property rights that can be exercised as long as they do so within the law. He stressed that that
9 was an important concept to understand.

10
11 There were no further public comments.

12
13 (19:16:41) *Commissioner Bowen moved to approve the application subject to the following*
14 *conditions:*

- 15
16 1. *Installation of curb, gutter, and sidewalk on 2300 East.*
17
18 2. *Obtain a letter from the water company that there is sufficient water pressure available*
19 *to the subject houses without diminishing water pressure in the neighborhood.*
20
21 3. *Approval by the traffic engineer that the request won't adversely impact traffic on 2300*
22 *East.*

23
24 *Commissioner Rosevear seconded the motion.*

25
26 Commissioner Bowen commented that in response to Mrs. Longhurst's concerns, that one of the
27 problems is that the City and other citizens do not have the right to control what somebody does
28 on their property. Another property owner cannot get a corridor view unless they own the
29 property. He explained that growth naturally happens and long-time residents have to deal with
30 it.

31
32 *Vote on motion: Gordon Nicholl-Aye, Geoff Armstrong-Aye, J. Thomas Bowen-Aye, JoAnn*
33 *Frost-Aye, Jerri Harwell-Aye, Jim Keane-Aye, Amy Rosevear-Aye. The motion passed*
34 *unanimously.*

35
36 **3.2 The Planning Commission will Receive Public Comment and Take Action on a**
37 **Request by Nate Fotheringham for the Innsbrook Cottages Flag Lot Subdivision**
38 **Located at 6535 and 6545 South 2300 East.**

39
40 (19:18:55) Mr. Platt presented the staff report and stated that the request was for a flag lot
41 subdivision. The applicants proposed creating an easement between two properties and creating
42 a flag lot from the back of the two lots. The request was found to meet the conditions of the R-2-
43 8 zone and the flag lot section of the ordinance. Mr. Platt commented that the building in the
44 back would be required to be a maximum of 28-feet high with 20-foot side, front, and rear
45 setbacks. The two lots in front were intended to be duplexes. Staff recommended approval of
46 the request.

47
48 The applicant, Nate Fotheringham of Wentworth Development, gave his address as 10714 South
49 Jordan Gateway, Suite 100, South Jordan, Utah. He agreed with staff's recommendation and

1 stated that the property had depreciated to a point that now was a good time to redevelop. He
2 thought they could add some value to the area and clean it up. In response to a question raised,
3 he indicated that there would be no access onto the right-of-way. The one drive identified on the
4 map provided to the Commission Members would service the two twin homes and the single-
5 family home further to the east. With regard to fencing, Mr. Fotheringham stated that they
6 would comply with the ordinance. He indicated that his intent was to install a fence there.

7
8 (19:21:40) Chair Nicholl opened the public hearing.
9

10 Carol Lundeen identified herself as a neighbor to the north of the property. She realized the
11 property was rundown but she was still opposed to the request. She was concerned that even
12 though the height was to be capped at 28 feet, structures tend to get taller and taller. Her home
13 was lower and the proposed height seemed high. She stated that because she lives on the corner
14 lot, all of the grates are located on her property line and collect water coming from 6475 South
15 and 2300 East. When it rains, everything collects there and she then has to remove debris from
16 the grates. She was concerned that building more homes will result in even more debris.
17 Ms. Lundeen remarked that her water pressure has dropped a great deal and there had only been
18 one home built to the north of her and two behind her. To add six more dwelling units was of
19 major concern to her. She also identified addressing problems and stated that there was one
20 address for the front property and another for the back.

21
22 (19:24:30) Lori Longhurst expressed concern about the height and slope. With the proposed
23 height limit for the duplex, even if the area between the property is 20 feet, she will still have
24 people looking into her backyard from the proposed houses. Chair Nicholl remarked that even if
25 someone were to remove the existing house in order to build a single-family residence, they
26 could still build to a 35-foot height on the front properties and 28-feet in the rear. He explained
27 that the Commission cannot control that since it is part of the ordinance. The Commission was
28 addressing the issue of the property owner's right to construct a flag lot behind. He explained
29 that the City has a flag lot ordinance that allows for it.

30
31 Mr. Black explained that a public hearing was being held on the matter for the public to
32 comment. The intent was to bring the matter forward to determine whether the applicant has met
33 all of the code requirements. With regard to the measurements on the houses, they will be taken
34 from different places on the site and measured straight up to the peak of the roof. The four sides
35 will then be averaged. The average must be 28 feet or less. The same would be done on the
36 front portion.

37
38 In response to a question raised, Mr. Black stated that the maximum building height for a single-
39 family structure would be 35 feet. The only difference would be that the proposed single-family
40 dwelling would already be severely limited. If it were not approved, the applicants could build a
41 duplex on specific places on the lots. The only difference was that without the approval the
42 applicant could not build the single-family home in the back.

43
44 Mrs. Longhurst thought it was unfortunate that so much building was going on and big houses
45 were being stuffed onto small lots. It seemed like no matter what the neighbors say, what is
46 proposed will still take place. Chair Nicholl responded that property owners have property
47 rights. When they own property and comply with the law, they have the right to develop.
48

1 (19:29:08) Commissioner Bowen explained that the Commission is controlled by state law,
2 which says that if someone makes this kind of request and they meet the requirements of the
3 code, unless there are substantial detrimental effects that can't be mitigated, which most can,
4 they are entitled to approval. If citizens are not happy with some of the things that happen, they
5 should address their concerns with the State Legislature since every session they ratchet down
6 the discretion cities have in dealing with these types of issues. He reiterated that the City is
7 bound to follow the State Code and many times the City's hands are tied.

8
9 An unidentified audience member stated that she had had problems with a house next door that
10 was built. She contacted the City on numerous occasions but was unable to get help from City
11 staff. Mr. Black stated that staff tries to make sure construction sites are kept clean. He recalled
12 that Alan Prince was the builder on the project referred to. He realized City staff had the
13 responsibility of going out and making sure construction sites are cleaned up. Two years earlier,
14 the City experienced an understaffing situation. Two additional enforcement officers had since
15 been hired to make sure a similar situation does not happen again. If there are problems in the
16 future, Ordinance Enforcement Officer, John Navatto, would deal with it.

17
18 (19:32:02) Commissioner Armstrong commented that the only way for a property owner to
19 preserve their privacy is to buy the property being proposed for development.

20
21 Mr. Black reported that the next three items on the agenda deal with the amendment of a section
22 of code regarding requirements for building in an established single-family neighborhood.
23 Different things would be required that were not required when the City incorporated. The City
24 was trying to regulate certain things so that people are aware upfront when they start building a
25 house that the City will strictly enforce the requirements set out.

26
27 Margaret Pierce a nearby property owner, stated that the building sites will not be problematic to
28 her as far as looking down into her backyard, however, two enormous homes were recently built
29 directly across the street from her. She felt like she lived in a fish bowl and was sorry nothing
30 could be done about it. With regard to the proposed site, her preference was to see something
31 "clean and decent" replace the "garbage" that is there. She stated that 2300 East has deteriorated
32 and something good looking was needed. She hoped the structures built would be personal
33 family homes and not rentals. Chair Nicholl stated that that was not something the City had
34 control over. He was, however, very pleased to see someone come in who wants to clean up the
35 mess that exists.

36
37 (19:35:17) In response to a comment made, Chair Nicholl explained that a flag lot must be of a
38 very specific size. The proposed lots must be a minimum of 8,000 square feet whether they are
39 for single-family residential or multi-family residential. The ordinance requires that the rear lot
40 be 10,000 square feet.

41
42 (19:37:18) Brent Longhurst asked who verifies the elevations. Chair Nicholl responded that the
43 City does that. Mr. Longhurst asked if the zoning changes to be discussed later in the meeting
44 would be decided on tonight. Chair Nicholl stated that they would be heard tonight but no vote
45 would be taken. The changes will apply to any property that gets a building permit after it is
46 adopted and the action will simply codify the measures that must be taken.

47
48 There were no further public comments. The public hearing was closed.
49

Commissioner Keane asked if there was a requirement for a fence around the property. Mr. Black stated that there was not since it is not a PUD. If the property had a driveway adjacent to it that is not part of the subdivision, a fence would be required. Since the driveway is inside and adjacent to the two lots already being subdivided, no fence was required.

(19:40:24) *Commissioner Bowen moved to approve the request as outlined by staff with the following conditions:*

1. *Installation of curb, gutter, and sidewalk on 2300 East.*
2. *Obtain a letter from the water company that there is sufficient water pressure available to the subject houses without diminishing water pressure in the neighborhood.*
3. *Approval by the traffic engineer that the request won't adversely impact traffic on 2300 East.*

Commissioner Rosevear seconded the motion. Vote on motion: Gordon Nicholl-Aye, Geoff Armstrong-Aye, J. Thomas Bowen-Aye, JoAnn Frost-Aye, Jerri Harwell-Aye, Jim Keane-Aye, Amy Rosevear-Aye. The motion passed unanimously.

3.3 The Planning Commission will Receive Public Comment and Take Action on a request by Scott McDonald for a Conditional Use Request for a 11,800 Square-Foot Office/Retail Space in One New Building Located at 6700 South Highland Drive and 6710 South Blackstone Road Also Known as Blackstone Crossing.

(19:41:15) Mr. Platt presented the staff report and identified the property on the site map. The applicant was requesting a conditional use permit to be able to expand the building proposed on the site to 11,800 square feet. The use of the building would be split evenly between a medical or professional office and retail space. Mr. Platt explained that about 15% of the lot coverage would be the building itself, which is 6,000 square feet. The footprint will feature half of the space upstairs and the other half downstairs. About 45% of the site will be covered in parking with the remainder covered in landscaping. Staff looked at the architecture and spoke with the applicant about providing windows and doors on both the east and west sides of the building to maintain an appropriate look for the area. Lighting and parking issues were also discussed. One concern that was brought up pertained to traffic access with the road. The zoning of the parcel is CR. In this zone, if a building is more than 10,000 square feet, it becomes a conditional use. Staff recommended approval subject to the conditions set out in the staff report.

The applicant, Scott McDonald, gave his address as 7878 Tynedale Court. He introduced Valerie Wallace, his contractor.

Ms. Wallace asked about the landscaping to be completed before final certificate of occupancy. Based on the construction timeline, it was possible that landscaping would not be completed before winter. That would require her to post a bond and put the landscaping in for next year and still be able to get the tenants moved in. Mr. Black thought that was reasonable as long as the bond is posted.

(19:48:06) With regard to the lockboxes being requested by the Fire Department, Ms. Wallace had no problem doing that on the core of the building but thought that each tenant as they get

1 their permits, should put the boxes in. Chair Nicholl responded that that would be a requirement
2 of the Fire Department.

3
4 With regard to screening of mechanical units, Ms. Wallace commented that they would be
5 putting the mechanical units toward the center of the building on the roof with a parapet.
6 Currently, all of the intended mechanical units are screened, however, if a tenant needs an
7 additional mechanical unit, that screening would need to be taken care of as part of their permit.
8 Chair Nicholl responded that that will have to be taken care of at the time the tenant moves in.
9 The permit would have to be obtained from the City in order to get the screening done.
10 Mr. Black stated that staff would want to look at a sketch or 3-D model of the property and
11 elevations surrounding the building to see what is visible from the street. If the mechanical units
12 are not visible, no screening will be required other than a parapet. Staff wanted the ability to
13 approve or deny the required screening.

14
15 Mr. McDonald reported that a monument sign was purposely not included as part of the
16 architectural design because they thought the majority of the tenants would prefer to have
17 identification on the building itself. It would not necessarily preclude the idea that they would
18 want to have a monument sign. Mr. Black stated that that was preferable, but not required. He
19 noted that the applicants would be limited to one monument sign and could apply for it at a
20 future date.

21
22 Mr. McDonald stated that tonight was the first they had heard anything relative to traffic. He
23 commented that the traffic count on Blackstone Road is low. That was one of the key factors
24 that would make the commercial site successful. He hoped that would not be an issue.

25
26 (19:51:25) Chair Nicholl was very familiar with the area and had some concerns about what was
27 proposed. He asked that any motion include an additional condition that the developer be
28 required to put approved no parking signs facing the road immediately outside the building so
29 that people don't park on Blackstone Road. He remarked that Blackstone Road is very narrow
30 and during peak times, when people are coming and going from the apartments, it gets very
31 busy. He did not want to see parking spill over onto Blackstone Road. What was requested
32 represented an 18% increase in the size of the building. In doing so, the applicant was requesting
33 an absolute minimum number of parking spaces to meet code. Chair Nicholl wanted to see that
34 those parking spaces are used and parking not occur on the street.

35
36 Commissioner Frost was concerned that signage was desired by each tenant in the building.
37 When the zoning was done in the Old Mill area, they could see that the signage could get out of
38 control. She did not want to see fluorescent signs on Highland Drive and did not think it was
39 wise to allow each tenant to have their own sign.

40
41 Mr. McDonald stated that what is allowed and not allowed with regard to signage is set forth in
42 the code. He stated that they paid a lot of money for the site and worked diligently with UDOT
43 on it. His preference was to reduce the building to 10,000 square feet and go through the
44 conditional use process than not be allowed what would typically be allowed for a retail user.
45 Chair Nicholl responded that the sign ordinance would still have to be complied with.
46 Mr. McDonald understood that.

47
48 One Commission Member stated that the area is a gateway zone into the City and wanted to
49 ensure that the first impression is consistent with the spirit of the City. The desire of the

1 Commission was for the project to be successful. Mr. Black stated that on the west side of the
2 building there are hatched squares showing the areas on the building that will be used for
3 signage. Signage will have to comply with the City's signage code unless special conditions are
4 added. At that point, Mr. McDonald would have the option to either remove it or reduce the
5 square footage of the building to 10,000 square feet and adhere to the signage requirements. The
6 sign code says that signage can be lit at night and up lit or backlit. Signs would have to comprise
7 less than 15% of the face of the building and feature pan channeled lettering.

8
9 (19:58:10) Mr. McDonald assured the Commission Members that the building is not very large
10 with a maximum of 5,000 square feet. He thought it was important to note that there is an
11 expectation from the retail user who will expect to get some kind of exposure on Highland Drive.

12
13 Mr. McDonald commented that the way the building is situated meant that it had to be moved as
14 far to the south as possible. There were numerous issues with the site relative to where the storm
15 drain comes in and the sewer. Because of that, the building could not be located anywhere near
16 the center of the site. The parking would accommodate what they needed, but it was pushed all
17 the way to the north. Mr. McDonald explained that they were counting on people being able to
18 pull up in the front of the building. He asked that the Commission consider that. Possible
19 businesses to occupy the space were discussed.

20
21 Chair Nicholl's concern was that there are a lot of young adults living in the apartments and he
22 did not want to see cars parked on the road so that people have to go into the other lane of traffic
23 to get around them. He wanted to ensure protection for the people who live in the area. He
24 remarked that there were many cars going out in the morning and returning in the evening
25 because of the hundreds of apartments there.

26
27 Commissioner Rosevear did not feel like she could make a recommendation tonight. Her sisters
28 live in the apartments and she had driven the road many times. She commented that past the
29 initial turn, the road is fairly wide. She wanted to know if a 15 to 20-minute parking zone could
30 be accommodated in front of the retail. With regard to fencing, she did not want to see fencing
31 along Highland Drive.

32
33 (20:05:20) Mr. McDonald explained that as far as providing the basic material for the exterior of
34 the building, it was provided to the City. Mr. Black stated that it was most likely obtained by
35 former City Planner, Glenn Symes, and would be located. Chair Nicholl thought the
36 Commission was planning on seeing a color schematic of the plan. Mr. McDonald stated that the
37 front of the building would be constructed of red brick sandstone similar to the Harmon's store in
38 Draper. The applicants were very cognizant of making the project attractive. In response to a
39 question raised, Mr. McDonald stated that it had taken four years to purchase the additional
40 UDOT property. Without it the site could never have been developed.

41
42 Mr. McDonald thought Blackstone Road was zoned for parking. Commissioner Bowen
43 responded that even without a conditional use, the City can prohibit parking on the road at its
44 discretion.

45
46 Chair Nicholl opened the public hearing.

47
48 An unidentified citizen reported that his house was on the west side of 2000 East. One of his
49 main concerns was that the preschool was allowed to begin operating 15 to 20 years earlier. It

1 was sold and the new owners were allowed to keep the business license without being required to
2 maintain it as a preschool. Because it has been classified as a business, they can develop
3 whatever they want. A doctor's office is currently located on La Cresta and they have been
4 trying to purchase all of the homes on the frontage road for a strip mall. The preschool caused a
5 lot of traffic congestion, which will be similar to what will be created on Blackstone. He did not
6 want the signage on the proposed building to be brightly lit, which will detract from the
7 neighborhood.

8
9 Mr. Black stated that the existing preschool is still zoned residential and is operating as a
10 conditional use. If the use is changed to something other than a daycare, the property owners
11 will have to come before the Planning Commission. It would be unlikely that the use could be
12 changed to anything else without an actual zone amendment. Mr. Black wanted to make the
13 neighbors aware of a request submitted on two different properties. A potential purchaser of the
14 property was requesting that the two properties be rezoned to commercial.

15
16 (20:13:30) An unidentified citizen described herself as a 20-year resident and remarked that there
17 is a great deal of traffic on Blackstone Road. Where she lives, she has lights shining into her
18 home from the bank. She thought that if more neighbors had been made aware of tonight's
19 meeting, they would have been in attendance. Traffic concerns were identified.

20
21 Mr. Black stated that this was the first conditional use application applied for on the property
22 since the City's incorporation. When it was ready to be presented to the Planning Commission,
23 staff noticed an error with the addressing. He also noted that the issue was properly noticed.

24
25 Chair Nicholl informed those present that the applicant has a legal right to build a 10,000 square-
26 foot building without coming before the Commission. The applicant requested an increase to the
27 size of the building to 11,800 square feet. Because of that, the issue was being presented to the
28 Planning Commission. He pointed out that the applicant was willing to work with the City to
29 make the project work. Commissioner Bowen stated that regardless, the City would have the
30 authority to control traffic and parking on the street. In the end, if the applicants meet the
31 requirements of the zone and apply for a conditional use permit, it must be granted. Unless there
32 are impacts that can't be mitigated, the property owners would be entitled to build subject to
33 conditions that may be imposed. The City was bound by that.

34
35 (20:21:10) Chair Nicholl explained that it was in everyone's best interest to work together to
36 make the project as palatable as possible. Commissioner Rosevear noted that the process with
37 the master plan went on for months and months and hundreds of people attended those meetings
38 and gave public comment.

39
40 Chair Nicholl explained that the very first charge given to the Planning Commission by the City
41 Council was to develop a master plan for the City, which was what they set out to do. He stated
42 that the citizens have to take some responsibility to come out to meetings and voice their
43 opinions. He commented that many did not.

44
45 Commissioner Rosevear remarked that in looking at the location, it is right along Highland Drive
46 near one of the biggest apartment complexes in the City. If there is a place for a commercial
47 zone, that seemed like a good place for it. If the area was to have been developed as residential,
48 it would have been done before now.

1 Mr. Black suggested the neighbors be aware of a general plan amendment request proposed in
2 the area for 6800 South and 6814 South. He reported that development applications that are
3 submitted are posted on the City's website. Anyone can go to the City's website and see
4 developments that are pending.

5
6 (20:26:15) Steve Sharp reported that his family had owned property in the City since the 1930s.
7 He was concerned that the area being discussed is the gateway into the City. A good number of
8 properties along the old Highland Drive have a variance of some sort for conditional use.
9 Mr. Sharp's property also had a variance allowing for auto body work. They had had a business
10 license for the past 50 years on the same piece of property. He was not sure that an auto body
11 shop was what he would want to locate on his property, however, he knew that several of his
12 neighbors had had difficulty selling their homes along Highland Drive for the same price as
13 homes in the subdivision. In fact, they sold for \$30,000 to \$50,000 less. It seemed apparent that
14 people don't want to live along Highland Drive because it is too noisy, dirty, and busy.
15 Therefore, most of the properties along Highland Drive are rentals because the owners don't
16 want to live there. The area continued to deteriorate. He strongly believed that it would be
17 better to develop businesses that will modernize the area. Mr. Sharp stated that there were many
18 people running businesses out of homes without permits. They had been doing it for years
19 because they can't sell the property as residential and get a decent price for it.

20
21 Chair Nicholl remarked that the only constant in neighborhoods is change. It can't be stopped,
22 but it can be managed. The best thing the City and community can do is try to manage it. He
23 believed that if managed properly, everyone will win.

24
25 (20:31:32) Joe Stevens an area resident, identified traffic problems. He was concerned that the
26 additional commercial area will bring even more traffic. He stated that a traffic survey was done
27 in front of his home on La Cresta where it was discovered that in the mornings and afternoons
28 there are 8,000 cars per hour. Mitigation issues were discussed.

29
30 Debbie Clark gave her address as 6635 Village Road. She remarked that there is a 10-foot fence
31 in her backyard, however, light spills over at night from the nearby commercial center. Her
32 concern was that the retail proposed will also shine into her backyard. She asked about the
33 height of the signs and the wattage. She asked that the Commission consider the people facing
34 the property. Mrs. Clark asked how the proposed project will affect her water pressure and
35 remarked that it dropped slightly when the gated community was built nearby.

36
37 With regard to signage lighting, it was reported that full cut off lighting will be required. A
38 photometric study is done to ensure that light pollution does not go beyond the boundaries.

39
40 Phil Brindle, a Village Road resident, was concerned about lighting, signage, and traffic. He
41 reported that the existing day care center generates a lot of traffic during drop off and pick up
42 hours. He was concerned that the proposed project will generate a lot of traffic on the other side.
43 Lighting was also of major concern.

44
45 (20:36:39) Mr. McDonald explained that some of the citizens fail to understand that the lighting
46 will be less intense than what currently exists and will not be problematic. It was clarified that
47 what was proposed would not be a retail strip center. What was proposed was a nice federal
48 style building. Mr. McDonald stated that the tenant in the top floor is a cosmetic surgeon who

1 will be taking the entire space. His parking requirement would be only five to six stalls. It was
2 expected that the use would have very little impact.

3
4 There were no further public comments. The public hearing was closed.

5
6 (20:38:04) *Commissioner Bowen moved to continue the matter for two weeks to take a careful
7 look at what has been presented. He wanted to refer the matter to the Architectural Review
8 Committee to review the building and signage. He asked that the traffic engineer also look at
9 the parking and traffic on the street and report back in two weeks for a decision.
10 Commissioner Frost seconded the motion.*

11
12 Commissioner Keane suggested the Commission look seriously at extending the gateway and see
13 how that impacts the subject property. Commissioner Bowen stated that the Commission can't
14 look at extending it at this time because the gateway is already established. The ARC could be
15 asked, however, to make the proposed building consistent with the gateway. Written comments
16 would continue to be accepted by staff.

17
18 *Vote on motion: Gordon Nicholl-Aye, Geoff Armstrong-Aye, J. Thomas Bowen-Aye, JoAnn
19 Frost-Aye, Jerri Harwell-Aye, Jim Keane-Aye, Amy Rosevear-Aye. The motion passed
20 unanimously.*

21
22 **3.4 The Planning Commission will Receive Public Comment and Take Action on a**
23 **Proposed Amendment to Chapter 19.76, Supplementary and Qualifying**
24 **Regulations.**

25
26 (20:40:55) Mr. Black reported that the matter was a required public hearing for amendments to
27 the Supplementary and Qualifying Regulations of the City. They are supplementary to all of the
28 other zoning ordinances in the City. In reviewing the chapter, he tried to eliminate things that
29 are inappropriate because of changes that have taken place over time. He stated that there are no
30 "easy" parcels left to develop in the City. As a result, in some cases people will take down
31 houses to build other things. The City needs the ability to have regulations in the chapter to
32 mitigate construction on residential streets. They also need to be able to regulate things like
33 home day care centers, special events, and residential facilities for elderly persons.
34 Supplementary and qualifying regulations and rules come into effect by establishing regulations.
35 The purpose tonight was to take public comment on the issue. Mr. Black recommended the
36 matter be continued since staff is finished and needs more input.

37
38 Chair Nicholl referred to page 7, section L, and should be reviewed by people with concerns
39 about how construction is going to take place. It was reported that the proposed chapter
40 language is available on the City's website. Citizens were encouraged to review it carefully.
41 Chair Nicholl thought the public would be impressed by the work done by staff to mitigate
42 construction, particularly in established residential neighborhoods.

43
44 (20:45:02) Chair Nicholl opened the public hearing. There were no public comments. The
45 public hearing was left open to allow for more public comment at a future meeting.

46
47 Commissioner Bowen thought the hours of operation, from 7:00 a.m. to 9:00 p.m., seemed too
48 long. He thought 8:00 a.m. to 7:00 p.m. was more realistic. Chair Nicholl brought the issue up
49 with the City Attorney and asked him if it would be possible to limit hours of operation on

1 Sundays from 7:00 a.m. to 6:00 p.m. except in established residential neighborhoods where no
2 construction would be carried out on Sundays.

3
4 Mr. Black stated that no motion was needed tonight. The matter would come up automatically as
5 a discussion at a future meeting.

6
7 **3.5 The Planning Commission will Receive Public Comment and Take Action on a**
8 **Proposed Amendment to Chapter 19.90, Amendments and Rezoning.**
9

10 (20:47:30) Mr. Black reported that Chapter 19.90 deals with amendments and rezoning.
11 Commissioner Bowen suggested previously that if people have a problem with the way land use
12 is handled at a City level, they should talk to the State Legislature. The chapter needs to be
13 changed because the State Legislature changed their rules governing the City's rules. The
14 Legislature did not think it was necessary for the City Council to hold a public hearing on a zone
15 change or general plan amendment. Their preference was to see the Planning Commission hold
16 a public hearing and then have the issue go to the City Council for a legislative decision but not
17 require a public hearing. Mr. Black reported that normally the City Council holds public
18 hearings allowing citizens to discuss almost any topic. The ordinance was changed to come into
19 compliance with LUDMA. All of the changes proposed dealt with that specifically. Staff
20 recommended approval and encouraged the matter to be sent onto the City Council as soon as
21 possible. He clarified that the matter had nothing to do with conditional uses.

22
23 Chair Nicholl opened the public hearing. There were no members of the public wishing to
24 speak. The public hearing was closed.

25
26 (20:49:57) *Commissioner Bowen moved to approve the proposed amendment. Commissioner*
27 *Rosevear seconded the motion. Vote on motion: Gordon Nicholl-Aye, Geoff Armstrong-Aye,*
28 *J. Thomas Bowen-Aye, JoAnn Frost-Aye, Jerri Harwell-Aye, Jim Keane-Aye, Amy Rosevear-*
29 *Aye. The motion passed unanimously.*
30

31 **4. Discussion Items.**

32 **4.1 Report on R-1-8 Zoning Amendment. Modifying Setbacks for Accessory Structures**
33 **and Re-Evaluating Adopted List of Permitted and Conditional Uses.**
34

35 (20:50:31) Mr. Black stated that occasionally staff sees an influx of applications or requests that
36 the code specifically prohibits. When this happens, it might be time to change the code. The
37 matter deals with residential zones that begin with R, RR, or F. The R-2-8 Zone is not included
38 because the recommended change had already been made. The change specifically has to do
39 with the setbacks for accessory dwellings. With the County the setback was one foot from the
40 property line, which resulted in a situation where there could be a 10-foot wall for a garage and
41 one foot between that and the property line. The problem was that it was not accessible, junk
42 would accumulate, and rats and other pests would proliferate. These areas became nuisance
43 strips that could not be maintained effectively. Mr. Black suggested a five-foot setback be
44 approved since at five-feet, the space would be more accessible, functional, and easier to
45 maintain. Many people asked instead that the setback be three feet. Staff waited to see if anyone
46 from the public would comment on it, and they did. Mr. Black was now requesting that the
47 Commission look at the accessory building setbacks and change them to three feet, similar to the
48 R-2-8 zone.
49

1 Mr. Black suggested the Commission look at the conditional uses in every zone and eliminate
2 uses such as golf courses, since there is no room in the City to build one. He stated that when the
3 City incorporated there were 50 zones. One zone, for example, had 60 conditional uses.
4 Mr. Black stated that if something is listed as a conditional use, if all of the requirements are met
5 and the potential detrimental effects mitigated, a property owner is entitled to an approval. If the
6 Commission does not want a conditional use in a particular zone, it should not be listed.

7
8 (20:58:47) An unidentified member of the audience asked if the Fire Department has a
9 requirement with regard to how much space is needed between a building and a fence in the
10 event of fire. Chair Nicholl was sure that there was but suggested the matter be addressed with
11 the Fire Marshall.

12
13 **5. Planning Director's Report.**

14
15 (20:56:44) Mr. Black introduced the City's new hires. Morgan Brim was hired as a Planning
16 Technician and had taken Sherry McConkey's place. Mr. Brim graduated from the University of
17 Utah. New City Planner, Greg Platt, graduated from Brigham Young University with his
18 Masters' degree.

19
20 Mr. Black stated that the next ARC meeting was scheduled for June 25.

21
22 Commissioner Keane suggested that at some point in the future the Commission should examine
23 the Gateway Zone on Highland Drive. Currently, an edge of the City is not included in the
24 Gateway Zone. Commissioner Bowen suggested all of the gateway streets be looked at to
25 determine if they stopped short. Mr. Black suggested the matter first be discussed with the ARC
26 and then put on the Planning Commission agenda as a business item.

27
28 **6. Adjournment.**

29
30 (20:01:00) *Commissioner Keane moved to adjourn. Commissioner Armstrong seconded the*
31 *motion. Vote on motion: Gordon Nicholl-Aye, Geoff Armstrong-Aye, J. Thomas Bowen-Aye,*
32 *JoAnn Frost-Aye, Jerri Harwell-Aye, Jim Keane-Aye, Amy Rosevear-Aye. The motion passed*
33 *unanimously.*

34
35 The Planning Commission Meeting adjourned at 9:00 p.m.

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, June 4, 2008**

5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**
9

10 ***ATTENDANCE***

11
12 **Planning Commission Members:**

City Staff:

13
14 Gordon Nicholl, Chairman
15 Geoff Armstrong
16 Perry Bolyard, Alternate
17 J. Thomas Bowen
18 JoAnn Frost
19 Jerri Harwell, Alternate
20 Doug Haymore
21 Jim Keane
22 Amy Rosevear
23

Michael Black, Planning Director
Greg Platt, City Planner
Shane Topham, City Attorney
Morgan Brim, Planning Technician
Brad Gilson, City Engineer

24 **BUSINESS MEETING**
25

26 Chairman Gordon Nicholl called the meeting to order at 7:04 p.m. Procedural issues were
27 reviewed.
28

29 **1. WELCOME/ACKNOWLEDGEMENTS.**

30
31 Chair Nicholl welcomed those present and acknowledged the presence of Scout Troop 836.
32

33 **2. CITIZEN COMMENTS.**

34
35 Chair Nicholl stated that this item was to hear public comments from the citizens to the Planning
36 Commission on issues that are not on the agenda. There were no citizen comments.
37

38 **3. PUBLIC HEARINGS.**

39
40 No public hearings were scheduled.
41

42 **4. ACTION ITEMS.**

43 **4.1 The Planning Commission will take action on a request by Scott McDonald for a**
44 **Conditional Use Request for an 11,800 square foot office/retail space in one new**
45 **building located at 6700 South Highland Drive and 6710 South Blackstone Road,**
46 **also known as Blackstone Crossing.**
47

1 (19:06:33) City Planner, Greg Platt, presented the staff report and reviewed the staff conditions
2 set out in the staff report. Staff recommended approval subject to the conditions.

3
4 Commissioner Bowen asked what a reasonable time period would be for construction of the
5 project. Valerie Wallace of Wadsworth Construction gave their address as 166 East 14000
6 South. She stated that construction would take six months from the time the permit is obtained.

7 Construction hours are normally 7:00 a.m. to 4:30 p.m. Commissioner Bowen had concerns with
8 the 7:00 a.m. to 9:00 p.m. construction times, particularly in light of the fact that the City will be
9 dealing with that issue later on in the meeting. He was confident that those hours would change.
10 He suggested more reasonable hours be established. He thought 7:00 a.m. was too early to begin
11 and 9:00 p.m. was too late to finish. It was thought that starting work earlier in the day prevents
12 workers from having to work in very hot temperatures. Commissioner Armstrong thought it was
13 reasonable for construction to begin at 7:00 a.m. He agreed that 9:00 p.m. was too late to finish.

14
15 Commissioner Bowen stated that there was some discussion about not putting in the fence and
16 instead putting in boulders and landscaping. He understood that UDOT would have to sign off
17 on it. He asked the applicant if he would be opposed to landscaping rather than fencing. The
18 applicant, Scott McDonald, gave his address as 7878 Tynedale Court. He explained that when
19 they negotiated the purchase of the property, UDOT was very particular about making sure that
20 the fence was up so that cars won't go from Blackstone onto the freeway. Commissioner
21 Bowen's idea was to install landscaping and berming with big boulders, which would
22 accomplish the same thing but look much better than a fence. Mr. McDonald agreed but stated
23 that there was a significant distance between the building and the parking and the fence. He
24 commented that because it is so far from the building, the fencing will most likely not be noticed.
25 The proposed fencing would be a four to five-foot chain link fence.

26
27 (19:15:20) Planning Director, Michael Black, commented that chain link fencing is not allowed
28 on new projects. He stated that the issue would need to be addressed with UDOT.
29 Commissioner Bowen reported that there is a chain link fence near his office on North Union
30 Avenue that is four to five feet tall. There is routinely a hole in it where someone has driven
31 through it. Ultimately, boulders were placed in front of the chain link fence. It was suggested
32 that UDOT put the fence on their property and move it over, as they own that section. Mr. Black
33 reiterated that chain link fences would not be approved as part of the project.

34
35 Mr. McDonald stated that he would work with UDOT to resolve the fencing issue. He reminded
36 the Commission of the previous discussion that they may be working into the winter on
37 landscaping and may have to bond to complete the project. He did not recall this issue being
38 listed in the previous minutes. He also noted that the doors on the west side of the building will
39 be solid metal; therefore, blinds would be put on the window portion and not necessarily the
40 solid door portion. Mr. Black noted that the doors were shown as glass in the plans. Ms.
41 Wallace confirmed that a solid door was planned. Mr. McDonald explained that for security
42 purposes, a solid door was preferable to glass on that side of the building. Commissioner
43 Harwell inquired as to why doors were needed on that side of the building. Mr. McDonald
44 explained that it would serve as a delivery entrance. Concern was raised about the aesthetics of
45 that side of the building.

46
47 Mr. McDonald assured the Commissioners that the attractive windows on the second floor would
48 enhance the look of the building. Mr. Black was concerned that the plans show glass doors.

Commissioner Frost was concerned that the majority of traffic viewing the building will be from the west side, driving on Highland Drive. The east side of the building will have more privacy. She was more concerned about the aesthetics from Highland Drive. Her preference would be glass. Commissioner Haymore suggested there be some visual enhancement of the metal doors.

Signage issues were discussed and signage locations were specified. Mr. McDonald clarified that the signs would be on the east and west sides of the building only.

(19:24:24) *Commissioner Bowen moved to approve Application Number 08-003, subject to the following conditions:*

- 1. All construction shall take place in accordance with the approved plans for this development. Any changes to the plans will be required to receive the appropriate approvals.*
- 2. All landscaping in the development shall be completed before final certificate of occupancy is granted (19.80.080(G)). If the landscaping cannot be completed, an appropriate bond shall be posted with the City.*
- 3. All pedestrian walkways shall be lighted (19.80.090(3)).*
- 4. All lights in the development shall be full-cut off (19.80.090(4)).*
- 5. Developer shall provide walkways through the center island on east side of the parking lot for pedestrian access to the sidewalk.*
- 6. No new tree in the development shall be less than two-inch caliper at the time of planting.*
- 7. Construction for the project shall be limited to the hours between 7:00 AM and 6:00 PM daily to preserve the integrity of the adjacent neighborhoods.*
- 8. The use of the property shall be limited to office, business, and/or professional, medical, optical or dental offices or laboratories, and general retail.*
- 9. The developer shall provide a plan for screening of mechanical equipment for staff review and subject to staff approval or rejection.*
- 10. Street lighting will be provided by developer along City streets as indicated on the plat.*
- 11. The developer shall work with the City and UDOT on the issue of the fence and obtain permission to do something in the alternative, such as placing boulders or other items that would prevent the traffic exiting off of Blackstone from entering onto the access to the project. If the issue cannot be resolved, it shall be resolved by staff.*

Engineering:

- 1. Please provide a geotechnical report for the proposed development.*

1
2 *Fire Department*

3
4 *1. This project requires the installation of two new hydrants and must be installed prior to*
5 *the delivery of combustible materials to the job site. Siting of hydrants as indicated on*
6 *reviewed plat.*

7
8 *2 Approved lock box required on exterior door to sprinkler riser room and by each*
9 *business as numbered on the reviewed plat.*

10
11 *3. Building must have an automatic fire sprinkler system.*

12
13 *ARC:*

14
15 *1. The wall around the trash receptacle should be faced with sandstone to the top with a*
16 *sandstone or metal cap in order to match the building façade.*

17
18 *2. All the windows on the same side of the building should be of the same color, and*
19 *preferably, all windows on the building should match.*

20
21 *3. Signs should be limited to one sign per tenant per side of the building, totaling two*
22 *signs per tenant. Signs should be on the east and west sides of the building only.*

23
24 *4. Landscaping should include a minimum of three trees on the southwest corner of the*
25 *lot to screen the stairs. As many as five columnar evergreen trees may be required,*
26 *which will be determined by an on-site review after construction is completed.*

27
28 *5. Doors and windows on the west side of the building adjacent to Highland Dr. and I-*
29 *215 shall be glass and equipped with blinds for screening from the street.*

30
31 *6. Parking on Blackstone Road should be discouraged for retail consumers and not*
32 *allowed for deliveries.*

33
34 *Commissioner _____ seconded the motion. Vote on motion: Gordon Nicholl-Aye, Geoff*
35 *Armstrong-Aye, Perry Bolyard-Aye, J. Thomas Bowen-Aye, JoAnn Frost-Aye, Jerri Harwell-*
36 *Aye, Doug Haymore-Aye, Jim Keane-Aye, Amy Rosevear-Aye. The motion passed*
37 *unanimously.*

38
39 **5. DISCUSSION ITEMS.**

40
41 (19:27:12) Chair Nicholl suspended the agenda and opened item 5.2 for public comment.

42
43 **5.2 The Planning Commission will discuss the proposed amendments to Chapter 19.76,**
44 **Supplementary and Qualifying Regulations.**

45
46
47 Rita Stone was present representing her husband Bennett Stone of 7610 Michelle Way. Together
48 they are the owners of .6-acre of property and had contemplated building a second home behind

1 their existing home. Their grandchildren were willing and able to take care of them on their
2 property when the time comes so they won't have to go into a nursing home. Mrs. Stone
3 commented that they currently winter in Arizona, but were planning for the future when they no
4 longer will be able to do that. The current City regulations allow a second building to be only
5 25% of the existing home, which is not enough space for them. Their preference would be to
6 build a home larger than the allowed 750 square feet, particularly to allow for wheelchair access.
7 She was also concerned that the ordinance does not allow for permanent occupancy.

8
9 Chair Nicholl agreed that those were some considerations to think about when revising section
10 19.76. Mr. Black reported that the zoning in the area is RR-1-21. The Stones would have the
11 option to build a guest home, which could be done without subdividing the property. Under the
12 new code, the maximum size of the guesthouse can be no greater than 25% of the main house.
13 In the Stone's case, the guesthouse can be no greater than 750-square feet. Mrs. Stone wanted to
14 have the ability to live on her property full-time, which would be considered an accessory living
15 structure rather than a guesthouse. Mr. Black was aware of at least one City Council Member
16 who is against accessory living structures because his neighborhood has a lot of them that are
17 illegal. Mr. Black commented that accessory living structures and guesthouses would be
18 discussed at a future date with respect to affordable housing.

19
20 (19:31:10) Mr. Black referred to a home on Creek Road where a resident has over one acre of
21 property and has built a large garage with a guesthouse on top. He explained that it sometimes
22 becomes enticing to use a guesthouse that is too large as a permanent residence. Commissioner
23 Armstrong clarified that the current proposed limit is 25% of the main house excluding the
24 garage. Commissioner Bowen commented that basing the size of the guesthouse on the lot size
25 penalizes those who do not go border-to-border on their property. Mr. Black stated that one
26 alternative could be to limit it to no more than a specific percentage of the rear yard.

27
28 It made sense to one Commission Member to limit guesthouses based on the size of the home. It
29 was noted that guesthouses are intended to be occupied for a short period of time. Mr. Black
30 noted that the size of the house could be increased, thereby making the allowed guesthouse size
31 proportionately larger.

32
33 (19:34:20) Commissioner Frost stated that the height restrictions for a guesthouse should remain
34 and they should not be taller than the main home. She suggested increasing the size to a 25%
35 portion of the backyard, as allowed in the current building code for structures such as detached
36 garages. Chair Nicholl added that the challenge is that if the rear yard is large, the guesthouse
37 may be larger than the front house. Mr. Black clarified that rear yards are meant for gardens, RV
38 buildings, and sheds. The issue of having an additional home on the site is not addressed.
39 Because of its unique purpose, a different standard for guesthouse requirements is appropriate.
40 Chair Nicholl was concerned that the one-story height limitation would prevent guest quarters on
41 top of a garage, which is a typical configuration.

42
43 It was noted that that if the garage houses an RV, a guesthouse could be developed on the second
44 floor. Mr. Black clarified that in the Rural Residential zone, the maximum height for an
45 accessory structure is the same as for the main structure, so long as the setbacks are met. In the
46 R-1-8, R-1-10, and R-1-15 zones, the maximum height is 20 feet. Commissioner Bowen
47 suggested that the request made by the Stones be addressed in more detail. It was suggested that
48 staff compare what is being done currently in the City to what other cities are doing. It was

1 recognized that there is already a problem with short-term rentals in the City. Size restrictions on
2 the guesthouses should remain in place to prevent other problems from arising.

3
4 **5.1 The Planning Commission will discuss the proposed amendments to the Foothill**
5 **Recreation Zone F-20; Foothill Residential Zone F-1-43; Foothill Residential Zone**
6 **F-1-21; Rural Residential Zone RR-1-43; Rural Residential Zone RR-1-21;**
7 **Residential Single-Family Zone R-1-10; Residential Single-Family Zone R-1-8;**
8 **Residential Single-Family Zone R-1-6 zoning amendment. Modifying setbacks for**
9 **accessory structures and re-evaluating adopted list of permitted and conditional**
10 **uses.**
11

12 (19:37:44) Mr. Black began the discussion with the F-20 zone. He noted that there are currently
13 no permitted uses in the F-20 zone, not even single-family dwellings. He read the proposed uses
14 allowed in the F-20 zone. In response to a question raised, Mr. Black explained that the term
15 “household pet” refers to dogs, cats, or other animals that can be constrained. Large animals
16 including cows and horses would not be permitted. Chair Nicholl asked that F-20 zones in the
17 City be identified. Mr. Black responded that almost all of Larry Walker’s property is zoned F-
18 20. The Commission Members had no objection to the F-20 uses as proposed. PUD issues were
19 discussed. Mr. Black explained that the planned unit development (PUD) language allows for a
20 cluster of homes.

21
22 (19:40:33) Mr. Black then discussed the F-1-43 zone. He explained that much of the property is
23 behind the homes that front Top of the World Drive. Those were the last homes in the City
24 going east. Permitted uses were identified as single-family dwellings, home occupations,
25 household pets, and accessory buildings that are customary to a single-family use, such as a
26 garage. Proposed conditional uses would include agriculture, bed and breakfast facilities,
27 churches, daycare and preschool facilities, home daycare, public and quasi-public uses, radio and
28 TV towers, temporary structures, and wireless telecommunications. He noted that daycare and
29 preschool uses do not need to be included, as the area is not commercial. He remarked that home
30 daycare would be appropriate in the area. A Commission Member added that home daycare is a
31 home occupation and, therefore, does not need to be listed separately. Mr. Black suggested
32 moving all home occupations to conditional uses, as most are approved at staff level.

33
34 The appropriateness of bed and breakfasts in the area were discussed. Mr. Black agreed that that
35 was an appropriate use. Commissioner Keane remarked that he would not want a bed and
36 breakfast in his neighborhood. Commissioner Armstrong commented that a bed and breakfast
37 use, while not desirable, is preferable to a ski rental. Bed and breakfasts within the City were
38 identified. It was suggested that bed and breakfast applicants request an amendment before the
39 Commission. Another Commission Member agreed. She wanted to remove the bed and
40 breakfast use and added that enforcement would be an issue. The Commission Members agreed
41 to remove the bed and breakfast use. It was determined that the remaining uses not related to
42 residential were acceptable.

43
44 (19:44:57) The F-1-21 zone was discussed. Permitted uses would include single-family detached
45 dwellings and household pets in non-watershed areas. Mr. Black stated that he would make a
46 note to change home occupation to a conditional use. The Commission Members had no
47 objection. Mr. Black then reported that conditional uses would include agriculture and churches.
48 The golf course use was removed as there was no room for a golf course in the area. Home

1 daycare was removed as it was a part of home occupations that were discussed previously. Other
2 uses were described as planned unit developments (PUD), public/quasi-public uses, radio/TV
3 towers, temporary structures, water pumping plants and reservoirs, wireless telecommunications,
4 and utility stations and lines. A comment was made about an additional water tower in the area
5 and whether it would be buried. Mr. Black confirmed that all new water towers are buried.

6
7 (19:47:16) The RR-1-43 zone was discussed. Permitted uses were described as single-family
8 detached dwellings, accessory buildings customary to single-family use, and agriculture.
9 Mr. Black added that people should be referred to the Animal Chapter regarding agriculture
10 citations.

11
12 Commissioner Keane inquired about the inclusion of household pets, and whether they are
13 presumed to be allowed unless specifically excluded. Mr. Black responded that they could be
14 removed from the RR zones, but would be allowed in all zones unless specifically excluded.
15 Because some of the F zones are in watershed areas, household pets are specifically addressed.
16 A question was raised with regard to the current limit on household pets. It was determined that
17 the current number allowed is six. Mr. Black recommended including household pets in Section
18 19.76, stating that household pets are a permitted use in all residential zones with the exception
19 of the F zones, where they are conditional due to watershed.

20
21 (19:50:01) Commissioner Bowen again thought it was determined previously that home
22 occupation included home daycare and both did not need to be listed separately. Dwelling group
23 terminology was discussed. Mr. Black explained that a dwelling group is a group of dwellings
24 similar to a PUD. He thought it was old-fashioned and no longer needed. It was used by the
25 County to encourage clustering and allows attached or detached dwellings. It was agreed that
26 dwelling group should be removed as it was not adequately defined. Mr. Black added that it is
27 defined in 19.76, although he recommended it be removed from that section as well.

28
29 Other conditional uses would include fruit and vegetable stands (if grown on site) and golf
30 courses. The Commission agreed to remove golf courses from the list as there is no room for
31 them in the area. Another conditional use was residential facilities for elderly people.
32 Commissioner Frost commented that private homes are being converted into elderly facilities.
33 She noted that there is a home off of Fort Union Boulevard that has such a structure and she
34 expressed concern about limits for that use. Mr. Black explained that if there are three people or
35 less in a dwelling, no use permit is required as they are considered a family. With four or more
36 people, there is a specific section in the code that addresses just that issue. It is monitored by the
37 City Attorney to ensure that there are no violations of federal or state statutes that protect people.
38 Mr. Black added that homes for the elderly and disabled are also federally protected. He agreed
39 to view with Mr. Topham residential facilities in general to see if they need to be listed since by
40 law, if other residential uses are allowed in the same zone, these facilities are protected.

41
42 (19:56:01) It was determined that milk production/sale should be deleted. Commissioner Bowen
43 added that the 50% would need to be produced on the premises, which will not happen.
44 Mr. Black felt that non-retail nurseries and greenhouses would qualify as accessory buildings
45 and, therefore, do not need to be listed separately. Nursing home uses were discussed and
46 described as different from residential facilities for elderly persons discussed previously. He
47 stated that sometimes there are requests for nursing homes to be located in residential areas.
48 They require four acres or more when new. Commissioner Bowen's preference was to see them

1 in rural one-acre areas rather than in an R-1-10 zone. Mr. Black agreed to determine what the
2 minimum lot size should be and report back to the Commission.

3
4 (19:58:35) Another use was described as the keeping of pigeons as a conditional use. Mr. Black
5 thought they would need to be listed because people keep them. Commissioner Bowen stated
6 that they are regulated by the Health Department and should not be dealt with by the City. A
7 question was raised as to whether pigeons would be included in the permitted number of
8 household pets. Commissioner Armstrong commented that they are not considered household
9 pets. Mr. Black stated that pigeons are different. There is a section of code in the Animal
10 section that includes specific regulations for pigeons. Commissioner Armstrong suggested that
11 pigeons be allowed in other zones where they are presently not allowed such as the RR and F
12 zones. Mr. Black recommended a determination be made as to whether they are addressed in the
13 Animal zone and if so, remove it as a conditional use.

14
15 (20:00:51) Mr. Black reported that the minimum size for PUDs is three acres. The next use was
16 described as on-site fruit and vegetable packing plants. He did not think that was an issue any
17 longer in the City as there are no remaining orchards. The consensus of the Commission was to
18 remove the use. Mr. Black noted that private schools no longer need to be specifically listed in
19 zones where public or quasi-public uses are allowed.

20
21 Commissioner Armstrong asked if the Commission has the right to allow a use not specifically
22 listed under conditional uses. Mr. Black responded that that they do not. If items are not
23 included in the list of conditional uses, they are not allowed at all. Mr. Black explained,
24 however, that there are other items listed in the supplementary and qualifying regulations that
25 allow for uses that are not specifically listed. Commissioner Armstrong stated that they should,
26 therefore, use care when deleting items under the conditional use category. Mr. Black stated that
27 there have been some issues where conditional uses are too broad. Those who buy properties
28 should have a reasonable expectation as to what they can expect to find in the neighborhood.
29 Commissioner Bowen mentioned that there was a previous issue with a car wash. Mr. Black
30 explained that the City wanted to tailor the regulations at that point because they were dealing
31 specifically with a car wash. Chair Nicholl suggested there be motivation for people who want
32 to annex into the City. He stated that there are areas immediately adjacent to the City boundaries
33 that could fulfill some of the regulations mentioned. It was clarified that conditional uses are
34 basically permitted uses with conditions. The preference was to be overly restrictive and expand
35 as a need is overwhelmingly evidenced.

36
37 (20:05:23) Mr. Black defined the next use as private nonprofit recreation. It was suggested that
38 this item be removed as new facilities were not anticipated. He stated that in Murray the LDS
39 Church tore down a building that was old and made a park. He believed that something like that
40 could fall under this category. Commissioner Keane suggested that if the use cannot be clearly
41 defined it should be removed. Commissioner Armstrong commented that there are no churches
42 listed in the RR-1-43 zone. Mr. Black suggested they be included. If churches are listed, then
43 nonprofit recreational grounds could be easily removed. Mr. Black clarified that churches
44 should be allowed in every residential zone, although possibly limited by size. He further
45 clarified that public and quasi-public uses include pump stations, schools, trailheads, parks, and
46 charter schools. Mr. Black's opinion was that public and quasi-public uses should be allowed in
47 all zones.

1 (20:09:45) The next use was identified as a radio/TV tower relay station excluding business
2 office and studio. He was concerned that the height restrictions would be violated with this use.
3 He thought the use would be more relevant in the F zones. Commissioner Armstrong asked if
4 the list of towers could be consolidated where appropriate. He did not understand the difference
5 between them. Mr. Black explained that radio and TV towers are quite large and in some ways
6 constitute a public use. Wireless telecommunications uses are covered in a separate chapter.

7 Radio and TV towers are usually latticed towers with four sides and resemble a ladder. He noted
8 that some are located near I-215 and have flashing red lights at night due to their height. They
9 are usually located at the top of a mountain. Commissioner Bowen noted that cell phone towers
10 are needed in residential areas, however, TV towers are not necessarily needed. Mr. Black
11 commented that many times stations have one or two towers positioned on the top of a mountain.
12 Television towers were thought to be obsolete because of satellite and cable TV.

13
14 (20:12:34) Mr. Black noted that item 19, residential healthcare facility for 5 or 10 persons, could
15 probably be deleted and would be researched as discussed earlier. He defined a sportsman's
16 kennel and stated that one acre of property was required. He explained that more than three dogs
17 could be owned. He suggested the use be modified to specify non-commercial sportsman's
18 kennel.

19
20 The last use listed was temporary construction buildings. A question was raised as to whether
21 the use falls under temporary use. Mr. Black suggested it simply be included in the construction
22 section of 19.76. The consensus of the Commission was to remove the use from all sections.

23
24 (20:16:05) The RR-1-29 zone was reviewed. A typo was identified. Mr. Black explained that
25 permitted uses would include single-family detached, accessory buildings, and agriculture.
26 Conditional uses would include bed and breakfasts and daycare, which would be deleted.
27 Mr. Black assured the Commission Members that he would review the uses in each zone to
28 ensure consistency. It was suggested that the bed and breakfast use be deleted from this zone.

29
30 The list of uses was reviewed. It was determined that PUDs will remain along with sportsman's
31 kennels. There was discussion as to whether the one-acre minimum size requirement should
32 remain for the kennels. The minimum lot size allows for adequate space between lots to abate
33 smells and other nuisances. Sportsman's kennels were determined to be a rural residential use.
34 Mr. Black suggested that for consistency, as in other issues, the one-acre minimum should
35 perhaps be removed. Chair Nicholl thought that one-half-acre was too small and not appropriate
36 for rural uses. Commissioner Keane thought that one-half acre made it difficult to justify rural
37 residential concepts. Mr. Black was concerned about removing sportsman's kennels from the
38 RR zones because it is a rural residential use. It was suggested that the one-acre minimum be
39 removed. The consensus of the Commission was to reduce the requirement to one-half acre.

40
41 (20:22:25) Permitted uses in the RR-1-21 zone would include single-family, accessory buildings,
42 and agriculture. Mr. Black stated that everything else would be deleted from the section. It was
43 stated that the Despain property was re-zoned from RR to R. Mr. Black clarified that the larger
44 portion is R-1-15. The small portion on the south end was zoned RR. It was reported that until
45 the sale is closed on, the Despain's will not sign the zone change. It was clarified that some of
46 the uses would not be allowed in the property located within the R zone.

1 (20:23:48) A Commission Member stated that he would like bed and breakfasts removed from
2 the RR-1-21 zone. Lot size requirements were discussed. Mr. Black's opinion was that one-half
3 acre was the limit for a bed and breakfast. Commissioner Frost thought that bed and breakfast
4 was a default when someone has property they don't know what to do with. Commissioner
5 Nicholl commented that it is cost-prohibitive to convert an existing home into a bed and
6 breakfast. Mr. Black suggested leaving bed and breakfasts in the one-acre zone.

7
8 It was recognized that there is a large market and an industry of ski rentals in the community. It
9 was his opinion that there was not enough of an industry demand for bed and breakfast uses. He
10 was concerned that a bed and breakfast would in reality be a ski rental. He suggested they be
11 disallowed unless someone approaches the Commission with plans showing how all of the issues
12 have been mitigated. At that time the code can be adjusted to appropriately handle them.
13 Commissioner Bowen added that bed and breakfasts are already allowed in the RO zone. He
14 suggested removing them from the RR zones. Rezoning would limit future requests. The
15 consensus of the Commission was to remove bed and breakfast from the RR zones.

16
17 (20:32:13) Mr. Black asked the Commission about daycare and preschool uses in the RR zones.
18 The Commission suggested they be limited to home daycare uses.

19
20 Mr. Black stated that because of the proposed changes, more than one public hearing would be
21 necessary. Notices would be published and the public given time to review the proposed
22 changes. Giving the public adequate time with which to comment would eliminate future
23 confusion and misunderstanding. The proposed amendments were restated and verified.

24
25 The Commission agreed to make changes to all R-zone properties consistent with those in the R-
26 1-15 zone. In response to question raised, Mr. Black clarified that side yard requirements vary.
27 Accessory buildings have three-foot minimums with the exception of the F zones. He noted that
28 this was changed to three feet during previous discussions regarding the R-2 zones.

29
30 **5.2 The Planning Commission will discuss the proposed amendments to Chapter 19.76,**
31 **Supplementary and Qualifying Regulations.**

32
33 (20:52:12) Section 19.76.030 was discussed. Commissioner Bowen inquired as to the definition
34 of a municipal zone. Mr. Black verified that it refers to the PF zone. He suggested that the name
35 be changed to be consistent with the zoning. Mr. Black agreed to change "municipal" to
36 "public". The word "department" was also defined.

37
38 Regarding item L, Mr. Black asked the Commission whether they wanted approval to be through
39 the DRC, the Director, or the Building Official. A Commission Member commented that it is a
40 trend that will increase and suggested there be efficiency in the decision process. Mr. Black
41 suggested that it be one person. Commissioner Bowen recommended the hours of operation be
42 limited to 8:00 a.m. to 7:00 p.m. rather than 7:00 a.m. to 9:00 p.m. He added that on item 10, the
43 wording be "as used" for construction, rather than "as necessary" for construction.

44
45 Mr. Black stated that his notes per previous discussions included on-site trash receptacles,
46 parking on the street, and to requiring on-site signage with rules listed. A Commission Member
47 wanted it to be explicit that only licensed vehicles can be on the street and other equipment has
48 to be on-site.

Commissioner Armstrong asked who will monitor the noise. Mr. Black responded that if the neighbors file a complaint, the noise will be measured. A decimeter would be used to measure noise.

Suggested modifications to item 11C were discussed. A Commission Member inquired as to whether the rules would apply to only private construction companies. It was clarified that it would apply to anyone who requires a permit. A question was raised about enforcement. Mr. Black responded that that any violation of the code is a misdemeanor with associated fines.

(20:58:46) Earlier comments regarding guesthouses were discussed. Mr. Black explained that he told the Stones that they could live in a guesthouse part-time, but not full-time. Commissioner Armstrong stated that the six months the Stones spend in Arizona would constitute part-time. The issue, however, was that there will come a time when they no longer will winter in Arizona. Commissioner Keane did not view half-time occupancy as a valid a guesthouse use. To him, a guesthouse should be shorter than even a short-term rental use. He didn't believe the use proposed by the Stones had been adequately addressed. Commissioner Bowen suggested the Stones instead add on to their home. Mr. Black believed that they wanted to give relatives the main home. Mr. Black made it clear to the Stones that they could not subdivide their property.

Commissioner Keane reiterated that a "granny flat" was a separate issue. He suggested the City be very clear that a guesthouse is intended for short-term visitors, under 30 days. It was added that mother-in-law apartments are allowed so long as they are detached. Commissioner Frost was concerned about the dwelling being used after a family member dies.

(21:03:55) Chair Nicholl suggested a date be set where decisions could be made on conditional uses. He thought the first meeting in August would be reasonable. Mr. Black suggested the decision date be published and ample time given for public review. The first meeting in August was tentatively set for a decision. Commissioner Bowen asked whether such an action would create a moratorium for people coming to the Commission while the matter is under review. Mr. Black did not think that was the case and considered a moratorium to be unnecessary. He suggested the Commission identify key items for a pending ordinance. The Commission Members were asked to respond individually to a forthcoming email.

6. PLANNING DIRECTOR'S REPORT.

(21:09:15) There was no Planning Director's Report.

6.1 ADJOURNMENT.

(21:09:18) *Commissioner Frost moved to adjourn. Commissioner Rosevear seconded the motion. Vote on motion: Gordon Nicholl-Aye, Geoff Armstrong-Aye, Perry Bolyard-Aye, J. Thomas Bowen-Aye, JoAnn Frost-Aye, Jerri Harwell-Aye, Doug Haymore-Aye, Jim Keane-Aye, Amy Rosevear-Aye. The motion passed unanimously.*

The Planning Commission Meeting adjourned at 9:09 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, June 4, 2008.*
3
4
5
6

7 
8

9 Teri Forbes

10 T Forbes Group

11 Minutes Secretary

12
13 Minutes approved:

1 MINUTES OF THE COTTONWOOD HEIGHTS CITY
2 PLANNING COMMISSION MEETING
3

4 Wednesday, September 3, 2008
5 7:00 p.m.

6 Cottonwood Heights City Council Room
7 1265 East Fort Union Boulevard, Suite 300
8 Cottonwood Heights, Utah
9

10 **ATTENDANCE**

11
12 **Planning Commission Members:**

13
14 Gordon Nicholl, Chairman
15 J. Thomas Bowen
16 JoAnn Frost
17 Doug Haymore
18 Perry Bolyard
19 Jim Keane
20 Amy Rosevear
21 Brad Jorgenson, Alternate, *not voting*
22

12 **City Staff:**

Michael Black, Planning Director
Morgan Brim, Planning Technician
Shane Topham, City Attorney
Greg Platt, Planner
Brad Gilson, City Engineer

23 **BUSINESS MEETING**

24
25 **1. WELCOME/ACKNOWLEDGEMENTS.**

26
27 Chairman Gordon Nicholl called the meeting to order at 7:02 p.m. Procedural issues were
28 reviewed.
29

30 **2. CITIZEN COMMENTS.**

31
32 (19:33:23) Michael Albrecht gave his address as 7435 Camelback Circle. He had questions
33 about the proposed zoning changes affecting swimming pools. Chair Nicholl explained that the
34 item was scheduled on the agenda for this meeting and could be addressed at that time.
35

36 (19:03:57) Michael Falk gave his address as 7768 South 2325 East. He thanked the City for
37 modifying the crosswalk on Bengal Boulevard by the skateboard park. While it has been
38 helpful, there are still people who disregard pedestrians using the crosswalk. He commented that
39 he rides his bicycle to the skate park because of the lack of parking. Mr. Falk encouraged more
40 public education in that regard. Chair Nicholl thanked Mr. Falk for his input and reported that
41 the Commission will be reviewing plans in the near future for a community center in the area.
42

43 Mr. Falk commented that mosquitoes are unusually abundant this year. He wondered if there
44 was a reason for it. Planning Director, Michael Black, stated that Bruce Jones would be the
45 person to contact, as he represents the City on the Mosquito Abatement Board. Mr. Black
46 reported that the last update received from Mr. Jones did not identify any problems.
47

1 Mr. Falk stated that the slope running from his backyard to the school was sprayed for weeds. It
2 often seemed to create a fire hazard. Everything in the area is now dead. Mr. Falk stated that
3 some of the trees are even dying. Mr. Black was not familiar with weed abatement in the area
4 referred to, but suggested Mr. Falk contact Kevin Smith in the City's Public Works Department
5 who would be better able to answer his questions. Mr. Black explained that the Planning
6 Commission addresses planning issues and is not up to date on public works issues.

7
8 There were no further citizen comments.

9
10 **3. PUBLIC HEARINGS:**

11 **3.1 The Planning Commission will receive public comment on a request by Allen**
12 **Nielson to rezone 2.0 acres from RR-1-43 to RR-1-21 (1 Acre Lots to ½ acre Lots).**
13 **This property is located at 2249 East 7800 South.**
14

15 (19:07:25) City Planner, Greg Platt, presented the staff report and stated that the applicant is
16 requesting a zone change for property located at 2249 East 7800 South. The General Plan
17 designation for the subject property is rural residential. Staff received two phone calls in
18 opposition to the proposal, citing traffic impacts and geologic concerns. Two phone calls were
19 also received in support of the proposal with no specific reasons given. Most citizens making
20 inquiries were indifferent or gave no input once the proposal was described.

21
22 Mr. Platt stated that the property is located at the end of 7800 South, which is a cul-de-sac south
23 of Brighton High School. It is on a two-acre portion of a previously subdivided five-acre lot. On
24 the property is a slope that drops approximately 150 feet. The southern portion of the original
25 five acres was subdivided into three one-acre parcels, leaving one two-acre parcel at the top. The
26 current zoning is RR-1-43 and allows for lots of one acre or greater in area. The proposed
27 zoning of RR-1-21 allows for lots as small as one-half acre. Other nearby residential properties
28 are zoned R-1-8, which allow for lots as small as 8,000 square feet, or 0.18 acre.

29
30 The original lot was zoned differently from the adjacent lots because it was formally part of the
31 five-acre lot, the majority of which was at the bottom of the hill and, therefore, zoned to be
32 consistent with the majority of the lots in the City. Now that the lot has been subdivided, the
33 portion at the top of the hill would more appropriately be zoned similar to the surrounding
34 residential lots. The general plan designation for the subject property was rural residential, and a
35 change would require a general plan amendment. Staff's position was that it would be more
36 appropriate to rezone the lots to RR-1-21 rather than R-1-8.

37
38 (19:11:34) Mr. Platt commented that one of the stated objectives of the general plan is to
39 minimize capital improvement costs by encouraging new development to occur near similar
40 developments. Staff felt that objective was being met with this proposal. In addition, the City is
41 interested in ensuring a harmony of land uses and maintaining existing densities and land use
42 patterns. Staff's opinion was that if the proposed zone change were allowed, it would encourage
43 similar development with adjacent parcels, and maintain an existing land use pattern while still
44 allowing for reasonable development.

45
46 Future potential uses were discussed. Mr. Platt stated that in addition to single-family homes, the
47 RR-1-21 zone allows for bed and breakfasts and home occupations. Mr. Platt clarified that the
48 list remains the same regardless of whether the property maintains the current zoning of RR-1-43

1 or the proposed zoning of RR-1-21. The only difference would be a change to the minimum lot
2 size from one acre to one-half acre.

3
4 (19:13:10) Mr. Platt stated that City Engineer, Brad Gilson, reviewed the traffic impact to the
5 area. His opinion was that the traffic generation of the four lots would be minimal. In addition,
6 he stated that the traffic on the street already falls well below the capacity of the existing streets.
7 Mr. Gilson was present to answer questions.

8
9 One citizen reported concern with the geology in the area. Staff was aware that the parcel
10 location on the precipice and the nature of the soils in the area are issues, and any development
11 of the property would require geologic reports and studies prior to approval.

12
13 Staff recommended approval of the request for a zone change for the subject parcel from RR-1-
14 43 to RR-1-21. Staff felt the zoning change places the parcel on more equal ground with
15 adjacent lots while maintaining the intent of the general plan. Staff believes the existing incline,
16 which separates the northern lot from the other subdivided lots, creates a logical land division
17 between land uses. Lots at the bottom should and do fit with the surrounding lots, while the lot
18 remaining at the top of the hill has substantially different requirements, due to the less intensive
19 zoning of RR-1-43 from the adjacent residential lots with a zoning of R-1-8. Staff's opinion was
20 that a change to RR-1-21 would bring the size requirements for the lots in the parcel more in line
21 with requirements for other lots similarly situated at the top of the hill. Staff feels that the
22 development furthers the objectives of the general plan by allowing developments that are
23 consistent with existing land use patterns and adjoining lots with similar conditions.

24
25 (19:15:35) The applicant, Allen Nielson, gave his address as 2188 East Cottonwood Cove Lane.
26 He reported that the intent of the project is to make it match with minimal impact. Mr. Nielson
27 lives off the hill and planned the project to be something that he would enjoy living by as well.
28 In consulting with staff, what was proposed was what he believed was the best option.

29
30 (19:16:57) Michael Falk gave his address as 7768 South 2325 East. He expressed concern with
31 traffic on 2325 East. He was concerned that the project will exacerbate the problem. It seemed
32 to him that the City and County enforcement have been ineffective. He was not aware of any
33 neighbors who weren't concerned about it. On many occasions he had seen vehicles speed right
34 through the stop sign. Mr. Falk expressed concern that too many drivers will be added to the
35 area and increase the congestion during peak hours. He reported that there was a landslide in the
36 area in the 1980's. Mr. Falk encouraged the City to consider installing speed bumps on the road.
37 Chair Nicholl stated that that was a possibility, although it was not scheduled for discussion at
38 the present meeting. He also acknowledged that the Commission is aware of the traffic problems
39 resulting from the high school. Mr. Falk stated that all drivers are an issue, not just the students.

40
41 (19:19:00) Chris Falk gave her address as 7768 South 2325 East and identified herself as the
42 wife of Michael Falk. She pointed out that there is a serious traffic problem on 2326 East and
43 stated that they have spoken to the police, the Commissioners, and the Mayor about it. Adding
44 four more homes with only compound the existing problems. She asked what the applicant has
45 planned for the property. Chair Nicholl clarified that there would be four residential homes on
46 the property. Specific development plans were not yet before the Commission for consideration.
47 He explained that the current item before the Commission for consideration was a rezone of the
48 property.

1
2 (19:21:16) Renee King was present with her son, Landis, and stated that they live on Nantucket.
3 She was concerned that the traffic is already heavy and to add four lots rather than two will
4 create more problems. She was worried that a car will hit a child. She was aware of the traffic
5 issues when she purchased the home 6 ½ years earlier. She stated that her children cannot play
6 anywhere near the road until the traffic has decreased at 7:00 at night. She added that adult
7 motorists drive as fast and recklessly as the teenaged drivers. To date they had been unable to
8 get speed bumps or other traffic calming devices installed.
9

10 (19:23:05) There were no further comments. Chair Nicholl closed the public hearing.
11

12 In response to a question raised, Mr. Gilson confirmed that staff was working on a traffic
13 calming application along Nantucket. He reported that staff has been obtaining traffic counts
14 and are in the process of analyzing the data and seeking alternatives. Mr. Black stated that less
15 than 1% of the current daily traffic would be added to the area as a result of the proposed
16 development. Commissioner Haymore clarified that while there would be no impact from the
17 proposed development, traffic-calming devices were being considered because of the existing
18 traffic problems. Mr. Gilson stated that traffic generated by the development would occur during
19 non-school hours. Mr. Black was aware that the Public Works Department had made some
20 improvements such as painting white lines on the road in some areas and repairing the Brighton
21 bump. He did not believe the proposed development affects the existing traffic issues on the
22 road.
23

24 Commissioner Rosevear agreed that there is a problem as she lives on this street and has two
25 young children. She recognizes that there is a problem but did not believe the proposed
26 development is the cause. She remarked that children cannot go near the street at any time.
27

28 Commissioner Haymore asked if 7800 South was the same design as the 2325 East, where 2325
29 East is narrow. Mr. Gilson stated that there may be a different road cross-section and added that
30 7800 South has restricted parking due to issues with parking in the Brighton parking lot.
31 Commissioner Rosevear commented that there is a sidewalk at 7800 South, while there is not
32 one on 2325 East. Mr. Gilson clarified that 7800 South has high-back curb and gutter, while
33 2325 East has rolled curb. Mr. Black added that Bengal Boulevard is a collector street, while
34 2325 East is a residential street.
35

36 Chair Nicholl stated that the Commission would act on the item at its next meeting.
37

38 **3.2 The Planning Commission will hold a public hearing and receive public comment on**
39 **the proposed amendments to Chapter 19.76, Supplementary and Qualifying**
40 **Regulations.**
41

42 (19:27:57) Mr. Black explained that Chapter 19.76 consists of regulations that are outside of the
43 individual zoning districts or other ordinances. It addresses such things as how to subdivide a
44 two-family home, how tall a fence can be, and the procedure for raising the height of a fence.
45 Proposed additions included construction regulations within an existing neighborhood and
46 commercial structure site plan requirements. Pool regulations were also addressed in the
47 amendments.
48

1 Mr. Black stated that he and the Chief Building Official, based on various building permits for
2 swimming pools and the lack of regulations, wanted to add language addressing swimming
3 pools. What they found was a knock off of the old IBC regulations for swimming pools that are
4 no longer part of the IBC standards. They used these regulations as a model to create the
5 proposed amendments.

6
7 (19:30:37) As a result of discussion that took place during the work session, there appeared to be
8 more to be done on the proposed amendments. He stated that it might not meet the intent of the
9 Planning Commission and City Council for these types of structures on private property. One
10 issue may be confusion about front yard water structures. It was unclear as to whether these
11 would be disallowed if they are 18 inches deep or if they require a surrounding fence. There was
12 also some confusion about fencing and where a pool can be located on the property. Mr. Black
13 agreed to talk again with the Chief Building Official and City Attorney about the regulations and
14 refine them and address the matter again at the next meeting.

15
16 Chair Nicholl reported that the swimming pool issue was discussed at great length during the
17 work session. The Commission was very concerned with public safety and public perception of
18 the issues. He explained that there are limits to public protection and questions remained about
19 front yard water issues. He clarified that the Commission asked Mr. Black to revisit the
20 proposed swimming pool regulations to resolve various issues.

21
22 Chair Nicholl opened the public hearing.

23
24 (19:32:52) Michael Albrecht gave his address as 7435 Camelback Circle. He stated that he
25 purchased a home about one year earlier with an existing 33-foot pool in the backyard. When he
26 looked at the zoning requirements he was disappointed, particularly with the fencing height
27 requirements. He commented that the current requirement is six feet. He thought five feet
28 would be a more appropriate height. He remarked that the highest commercial pool fencing he
29 was aware of is five feet. A six-foot fence would have to be customized, which would result in
30 an additional expense to homeowners.

31
32 Mr. Albrecht stated that the proposed regulations include a life buoy with a diameter of 15
33 inches. He asked for a specific description of a life buoy. It was more specifically described as a
34 life ring. Mr. Albrecht stated that there are no 15-inch life rings approved by the US Coast
35 Guard. Only 24-inch, 30-inch, and 34-inch devices are approved for such a use. He commented
36 that he was unable to find a 15-inch ring in any store.

37
38 (19:35:27) Mr. Black commented that a six-foot fence is standard for a backyard. He reiterated
39 that the proposed regulations would only be required for new pool construction and would not be
40 retroactive. He informed Mr. Albrecht that he would not need to modify his existing fence.
41 Mr. Albrecht added that a fence directly surrounding a pool is not a standard-sized fence and can
42 present a safety hazard. Mr. Black stated that there would not need to be a secondary fence
43 around the pool and a regular backyard fence would satisfy the requirements.

44
45 With regard to the buoy, Mr. Black clarified that the proposed regulations state that a life buoy is
46 a ring. The word "buoy" only implies that it is a floating device. The regulations read "not more
47 than 15 inches" not "no less than 15 inches." Several Commission Members commented that the
48 language is confusing. Commissioner Rosevear suggested it read, "not less than 15 inches."

1 Mr. Black explained that the purpose of the limit of 15 inches may be because there is a limit to
2 how large a floatation device can be in order for someone to be able to effectively hold onto it in
3 an emergency. Commissioner Haymore suggested that the Coast Guard standards should be
4 sufficient and the City's regulations should be consistent with them. Commissioner Bowen
5 suggested having the regulations read, "Coast Guard approved", which would clarify the issue.
6 Chair Nicholl suggested that Mr. Albrecht meet with Mr. Black on the issue to relate the
7 information he has.

8
9 (19:38:15) Commissioner Haymore's understanding was that the intent of a fence that is
10 specifically for the pool would be different from other types of fencing. He explained that in the
11 case of a pool in a backyard, the expectation would be that there would be a normally fenced
12 perimeter, which would be sufficient. They were not looking for a fence within a fence. What
13 was envisioned was a normal backyard fence. Commissioner Haymore added that in the absence
14 of a fenced backyard, a specific fence would be required enclosing the swimming pool or a
15 locking cover. Mr. Black read from the proposed regulation, which read, "all private swimming
16 pools, including above-ground pools, shall be completely surrounded by a fence or wall not less
17 than six feet in height, which shall be so constructed as not to have openings, holes, or gaps
18 larger than four inches in a vertical or horizontal direction, except for doors and gates. The fence
19 shall be of a type not readily climbed by children. A dwelling or accessory building may be used
20 as part of such enclosure."

21
22 Chair Nicholl stated that it does not state where the fence has to be. Other Commission
23 Members agreed that it seemed like a regular backyard fence would be sufficient. Commissioner
24 Haymore added that in some subdivisions where there is no backyard fencing or where they are
25 prohibited by homeowners' associations, a separate regulation would be required for swimming
26 pool fencing. He believed a full six-foot fence would not be appropriate directly surrounding a
27 pool. Chair Nicholl added that in this case, a swimming pool fence or a cover that secures the
28 pool would be acceptable. Mr. Black agreed to examine all of the issues and present a proposal
29 to the Commission at a future meeting.

30
31 (19:42:41) Jeff Mikell gave his address as 3658 Golden Oaks Drive. His understanding was that
32 the supplementary conditions already exist and are being amended. That was confirmed to be
33 the case. He asked about the guest home regulations and was unsure whether the intent of the F-
34 20 zone would include guest homes. He also questioned whether the language deleted on page
35 four of the proposal was moved or completely deleted. It was clarified that the language was
36 removed completely. Mr. Black explained that it was deleted because it included old
37 information that is now irrelevant.

38
39 Mr. Mikell commented that the construction mitigation plan that was added was a positive
40 addition. He is a contractor and has had prior disagreements with residents regarding start times.
41 However, he believed that 7:00 a.m. to 8:00 p.m. Monday through Saturday would be excessive
42 given the use of loud construction equipment. He thought the hours of 7:00 a.m. to 5:30 p.m.
43 Monday through Friday would be appropriate. Commissioner Bowen inquired whether it would
44 be more important to start earlier or work later. Mr. Mikell stated that it would depend on the
45 job. For example, there should not be a restriction on road construction that has to be done at
46 night. He added that 7:00 a.m. may be too early and 7:30 a.m. to 8:00 a.m. may be more
47 appropriate in a residential area. He thought 8:00 p.m. was too late and work should conclude by
48 6:00 p.m. Commissioner Frost commented that there is a short building window for outside

1 construction. Commissioner Haymore commented that he personally would want at least one
2 day of a day of quiet in the neighborhood. Chair Nicholl added that this was discussed at length
3 in the work session. Mr. Mikell then suggested that if the longer hours are allowed six days per
4 week, perhaps Sunday could be restricted.

5
6 (19:47:54) Mr. Mikell commented that a six-foot fence around a swimming pool would be
7 catering to the fence industry. He thought a four-foot height was more appropriate. Height
8 issues were discussed. Commissioner Bowen commented that a six-foot fence is standard for a
9 backyard. If the requirement were changed to four feet, the regulations would allow for a four-
10 foot fence around a backyard with a pool, which would be less than standard. Chair Nicholl
11 added that the language could be reworded. Commissioner Rosevear suggested wording to read
12 that if the fence is within five feet of the pool, a lower height may be allowed.

13
14 Mr. Mikell referred to noise issues relating to a pool but thought noise issues were probably
15 addressed elsewhere. He thought a standard noise ordinance should be sufficient. Chair Nicholl
16 stated that there is also a noise ordinance in the city. Mr. Black stated that the paragraph referred
17 to is intended to control the noise from a swimming pool party. He confirmed that there is
18 already a noise ordinance in place.

19
20 (19:50:17) Mr. Mikell referred to page 12, deleted item G, and asked if this was a regulation
21 previously passed that is now being rescinded. Mr. Black explained that the language applies to
22 short-term rentals and there is a chapter dedicated specifically to them.

23
24 Mr. Mikell then inquired about the language on page 16, item A. He questioned the definition of
25 the word "aggrieved." Mr. Black clarified that it allows anyone to appeal a Planning
26 Commission decision. He noted that the person filing the appeal does not have to be a resident.

27
28 (19:52:24) Mr. Mikell's final question pertained to lot grade measurements found on page 5,
29 item E. Mr. Black explained that this pertains to the slope of the lot. The zoning ordinance
30 states that if a lot is sloped more than 15%, then the maximum height is 30 feet rather than 35
31 feet. This establishes how the City determines if a lot is sloped more than 15%. The footprint of
32 the building is measured rather than the entire lot. Possible clarifications were discussed. Chair
33 Nicholl suggested that Mr. Mikell meet with Mr. Black to discuss serious concerns.

34
35 (19:56:02) Allen Nielson gave his address as 2188 Cottonwood Cove Lane and identified
36 himself as a plumbing, heating, and cooling contractor. With regard to contractor's hours, he
37 reminded the Commissioners that during various times of the year it gets light earlier or it gets
38 dark earlier. In his business, he shifts starting times by two hours depending on the time of year.
39 He explained that many subcontractors work ten-hour day shifts with no work on Fridays due to
40 a slow-down in the industry and because government offices are not open for them to obtain
41 inspections. Chair Nicholl commented that the current window allows for 13-hour workdays.
42 Mr. Nielson stated that if he they are allowed a 10-hour day they have to manage their time
43 carefully. He suggested the allowed time be increased more than 13 hours. To his knowledge,
44 most cities allow construction until 9:00 p.m. Mr. Black stated that Cottonwood Heights allows
45 work to be done until 10:00 p.m. His understanding was that most cities have the same
46 requirement. Presently the County allows work to go from 6:00 a.m. to 10:00 p.m.

1 Mr. Nielson remarked that his crew meets at the shop in the morning. By the time they get to the
2 job site and have a one-hour lunch, a 13-hour window may not be enough. Commissioner
3 Bowen commented that some of his work would be inside and not impact the neighborhood.
4 There would have to be a distinction made between that and primarily outdoor construction
5 work. Mr. Nielson stated that the majority of the work done by his company is outdoor work
6 Commissioner Rosevear asked Mr. Nielson's opinion about Sunday work. Mr. Nielson's
7 opinion was that every business should be closed on Sunday. He expected four-day work weeks
8 to become more popular because many contractors can't afford to keep their offices open when
9 they can't get inspections.

10
11 (20:00:21) Mr. Black commented that the City has not moved to four-day work weeks because
12 the Building Department has to be open on Friday. Mr. Nielson stated that current policy is that
13 if someone complains about noise on a Saturday, they leave the job site for the day. While
14 Saturdays are not a priority, there are times when the additional hours are necessary to finish a
15 particular job.

16
17 (20:01:58) George Vargyas a Top of the World Circle resident commented on measuring the lot
18 grade. He did not think the restrictions should be eased for sloped lots because the building size
19 is more noticeable. Mr. Black commented that that issue is moot for the Top of the World area
20 since everything in the sensitive lands overlay requires 30 feet, regardless of slope.

21
22 Chair Nicholl reported that the public comment period will end at 5:00 p.m. on September 4.

23
24 (20:04:40) Commissioner Haymore thought it would be important to distinguish between
25 different areas. In commercial areas it might be more appropriate to have longer working hours.
26 He stated that built-out residential areas would be very different with regard to construction
27 noise.

28
29 Commissioner Bowen inquired about page 17, item E, regarding fences. The proposed
30 amendment read that fences shall not exceed four feet in the front yard and six feet in the side
31 yard. Someone with a swimming pool would be required to have a six-foot fence all around the
32 property, which he believed was inconsistent. Commissioner Rosevear suggested that the word
33 "required" be added for clarity.

34
35 Commissioner Bowen referred to the construction mitigation plan and asked if it covered all types
36 of construction. Mr. Black confirmed that it does presently. Commissioner Bowen asked what
37 would happen if someone happened to be remodeling a bathroom. Mr. Black explained that if
38 the construction required a permit, it would apply and would have to be approved by himself or
39 the Building Official. A strictly interior remodel would be different. Commissioner Bowen
40 stated that interior construction is not differentiated in the proposed amendments. Mr. Black
41 agreed that they should explore this difference. He added that regulations should include the
42 ability for him or the Chief Building Inspector to make special exceptions.

43
44 Commissioner Hayward stated that in the context of infill construction, there are issues such as
45 overflowing dumpsters, traffic, and noise. He stated that even though all of the work is interior,
46 there is still a lot of mess and disruption in a mature neighborhood. He wanted to remember the
47 reason the mitigation plan was put in place, which was for mature neighborhoods having to
48 tolerate contractors who are motivated by speed rather than the residents' need for peace.

Commissioner Bowen agreed but stressed that an indoor paint job for example, should not be subject to time restrictions. It was clarified that an indoor paint job would not require a building permit; therefore, the regulations would not apply. Chair Nicholl stated that the issues identified will be examined further at a future meeting.

3.3 The Planning Commission will hold a public hearing and receive comments on the proposed amendments to the Foothill Recreation Zone F-20; Foothill Residential Zone F-1-43; Foothill Residential Zone F-1-21; Rural Residential Zone RR-1-21; Residential Single Family Zone R-1-15; Residential Single Family Zone R-1-10; Residential Single Family Zone R-1-8; Residential Single Family Zone R-1-6 Zoning Amendment. Modifying Setbacks for Accessory Structures and Re-Evaluating Adopted List of Permitted and Conditional Uses.

(20:11:24) Mr. Black explained that previous public hearings were held on the above issue. The proposed amendments address changes in all residential zones except for mixed use and the R-2 zone. The various changes were reviewed. The most substantive change was the removal of bed and breakfasts from all zones. It was suggested that they be added to the residential office zone.

Setback issues pertaining to accessory buildings were also changed. A previous ordinance allowed accessory building setbacks to be one foot from the property line. In discussing the issue with ordinance enforcement, it was determined that a one-foot space between a fence and a structure ends up being a nuisance strip where trash collects and pests congregate. As a result, the setback was increased to five feet to allow for better access in these areas. He commented that five feet was later determined to be excessive and the requirement was changed to three feet to serve both purposes.

(20:14:51) Mr. Black explained that all other changes are as reflected in the staff report. Chair Nicholl stated that the Planning Commission has spent numerous hours reviewing the various sections of the code. One of the concerns in the special use category was that according to State code, if no justifiable reason can be found to deny a conditional use, it must be approved. Consequently, many items were eliminated as conditional uses in some residential areas.

Chair Nicholl opened the public hearing. There were no public comments. The public hearing was closed.

Mr. Black understood from the work session that the item would be scheduled for an additional public hearing and action at the next meeting.

4. ACTION ITEMS.

4.1 The Planning Commission will take action on a request by Mark Neff for an amendment to the General Plan. The applicant proposes an amendment from the Low-Density General Plan Designation to the Medium-Density Designation. The property is located at 8575 South Wasatch Blvd. A public hearing was held for this item on August 20, 2008 before the Planning Commission.

(20:16:46) Mr. Black reported that he received a request from the applicant to postpone the discussion due to a scheduling conflict. Mr. Black received the request from the applicant, Mark Neff, the previous day via email. Commissioner Bowen stated that because the item is scheduled

1 for action and not discussion, there is no need for applicant input. He suggested the item proceed
2 as scheduled.

3
4 Mr. Platt presented the staff report and stated that the applicant was requesting an amendment to
5 the general plan for property located at 8575 South Wasatch Boulevard. A map of the subject
6 property was displayed.

7
8 (20:18:29) Commissioner Haymore stated that his concerns were weighed against comments that
9 there may be a need for different types of housing and that this parcel may be a good place to do
10 that. He thought that amending the general plan for a small number of properties to break a
11 clean and logical line between land uses was problematic. In this specific instance, it presents a
12 larger problem because he does not see the result as a better, more pleasing development. His
13 opposition had grown stronger through the process. In the beginning he thought the property
14 might be a good place for different uses because of its challenging topography and location in
15 relation to Wasatch Boulevard. In listening to the substantive comments made during the public
16 hearing process, he tried to weigh the issues out in his mind. In doing so he became more
17 convinced that denial was the only decision that is consistent with the needs of the community
18 and maintains the integrity of the general plan.

19
20 Commissioner Bowen agreed with the staff's observation that if the zone change is granted, it
21 does not ensure that the City will get what has been represented. He was concerned that instead
22 of ending up with three or four developed lots, they will end up with more duplexes, which
23 would be a mistake. He stated that there are parcels of property in this and other cities that do
24 not lend themselves well to development. He did not think it was the Planning Commission's
25 obligation to bail someone out who owns such a parcel.

26
27 (20:21:52) Commissioner Frost stated that although the item has been before the Commission on
28 several occasions, the argument has not changed. Other areas along the corridor are developed
29 beautifully and within the scope of the existing general plan. This parcel for some reason
30 remains undeveloped. As a result, she did not view the problem as a zoning issue. She
31 explained that the zoning issue has been solved. She supported the observations and
32 recommendation of staff.

33
34 (20:22:43) *Commissioner Frost moved to recommend denial of the application to change the*
35 *zoning from R-1-8 to R-2-8 and that the property remain in the existing zone per the findings*
36 *set forth by staff. Commissioner Haymore seconded the motion.*

37
38 Commissioner Rosevear was of the opinion that the property is unique but agreed with
39 Commissioner Bowen's concerns.

40
41 (20:24:58) *Vote on motion: Amy Rosevear-Aye; Doug Haymore-Aye; J. Thomas Bowen-Aye;*
42 *JoAnn Frost-Aye; Perry Bolyard-Aye; Jim Keane-Aye; Gordon Nicholl-Aye. The motion*
43 *passed unanimously.*

44
45 **5. DISCUSSION ITEMS.**

46
47 (20:25:26) Chair Nicholl addressed Planning Commission meeting times. He stated that
48 meetings originally were scheduled from 6:00 p.m. to 9:00 p.m. The times were changed to

1 include a work session from 6:00 p.m. to 7:00 p.m. The Planning Commission Meeting was to
2 begin at 7:00 p.m. and end at 9:00 p.m. He suggested a recommendation be made to the City
3 Council that they adjust the wording in the procedure rules to change the end time from 9:00
4 p.m. to 10:00 p.m.

5
6 Commissioner Bowen stated that 10:00 p.m. was too late to adjourn. Commissioner Haymore
7 added that the meetings usually end by 9:00 p.m. He commented that they could give
8 themselves until 9:30 p.m. but still try to end by 9:00 p.m. Commissioners Bowen and Frost
9 agreed. Commissioner Bowen stated that that the work session currently begins at 5:45 p.m.
10 rather than 6:00 p.m. and lasts until 6:45 p.m. Commissioner Haymore liked the 9:00 p.m. end
11 time as it causes staff to look carefully at the agenda and more equally balance the various items.
12 He thought that was good for the community because people come and the meetings are
13 accessible. He thought the 9:00 p.m. end time had been successful with some exceptions.

14
15 Commissioner Haymore thought the Chairs had done a good job of reorganizing agendas so that
16 important issues are heard first. He thought it involved a combined effort between staff
17 scheduling and the Chair being considerate of the public's time. He thought the policy in place
18 had worked well.

19
20 **5.1 The Planning Commission will review and discuss the progress of the City Center**
21 **Master Plan.**

22
23 (20:29:21) Mr. Black presented the current master plan and noted that all Planning Commission
24 comments were considered as changes were made. He commented that the orientation was
25 changed slightly and meant to mirror a particular curve from one building to another. He
26 explained that the changes were proposed to address a piece of property being considered for
27 purchase by the City for the possible development of a police station.

28
29 (20:33:40) An aerial photo of the site was shown. Mr. Black stated that there was an increase in
30 open space with the proposed master plan. An amphitheatre, soccer field, football field, and an
31 open-air concert area were envisioned with decorative and thematic elements in the front. Two
32 water features were planned on the two sides of City Hall.

33
34 Mr. Black reported that an open house was planned for September 23 from 12:00 p.m. until 7:00
35 p.m. At 7:00 p.m. a public meeting was scheduled with the City Council. The meeting would
36 not include a public hearing and the item was not scheduled for action. The intent was to give
37 the public an opportunity to voice concerns about the proposed City Center. A Community
38 Development Block Grant was obtained for financing of the master plan. Approximately
39 \$70,000 a year is received in grants, of which approximately \$30,000 would be used to fund the
40 City Center Master Plan.

41
42 Commissioner Haymore asked for clarification as to whether the money was required to be spent
43 or if there was money available to spend. Mr. Black explained that there would have been uses
44 for the money; however, the development of the police station property was being considered
45 and was the primary reason for the proposed master plan document. The grant money afforded
46 the City the opportunity to complete the plan.

1 **6. PLANNING DIRECTOR'S REPORT.**

2
3 (20:37:45) Mr. Black reported that the Wasatch Office property is closed and is now in the hands
4 of Salt Lake County. They are looking at developing the plans for the actual property that will
5 include trailhead parking and restrooms. Planning was to take place this winter with possible
6 construction next year. He reported that there is a cooperative agreement between Cottonwood
7 Heights and Salt Lake County to develop and maintain the property. It was clarified that the sale
8 has been recorded.

9
10 Mr. Black read an email from Robert Goode to the Planning Commission. Mr. Goode was
11 unable to attend tonight's Planning Commission Meeting but he reviewed all of the redlined
12 versions of the ordinance changes and had no concerns. He thanked the Commission Members
13 for their hard work.

14
15 **7. APPROVAL OF MINUTES.**

16
17 (20:39:31) Chair Nicholl commented that several sets of minutes needed to be approved.
18 Commissioner Haymore pointed out during the work session that the January 9 and January 16,
19 2008 minutes were approved previously. The remaining minutes to be approved were February
20 6, March 19, and August 20, 2008.

21
22 Commissioner Bowen stated that he previously provided Mr. Black with his comments and
23 changes, particularly relating to the voting on several items. Commissioner Haymore suggested
24 the recorded votes be reviewed to ensure accuracy. Mr. Black commented that the voting issues
25 mostly had to do with the fact that the alternates were recorded as voting when they did not.
26 Commissioner Bowen was troubled by the fact that there are so many gaps in the minutes. He
27 asked that that be resolved. For example, in the latest set of minutes, there was a comment that
28 someone had an office across the street from a particular parcel. The individual who spoke
29 should have been easily identifiable. Commissioner Haymore suggested that each Commission
30 Member review the minutes and if they agree with the vote reflected they can proceed with
31 approval.

32
33 (20:41:21) Chair Nicholl stressed the importance of specifying who makes and seconds motions.
34 There should then be a roll call vote so that there is no mistake as to how each member voted. It
35 was particularly important to note that there would not be a vote from any Commissioner not
36 sitting in a chair. Commissioner Haymore thought electronic recording of the minutes was the
37 best option to help solve many problems. Commissioner Bowen questioned whether written
38 minutes are necessary if there are electronic minutes. Commissioners Haymore and Frost and
39 Mr. Black agreed that written minutes are necessary.

40
41 Commissioner Bowen added that if the Planning Commission has written minutes, they should
42 be accurate. He did not recall problems identifying which Commissioners were speaking until
43 the recent change in transcription services. Mr. Black responded that the minutes weren't very
44 clear before the change was made. Commissioner Bowen disagreed and did not think the
45 minutes were accurate now. Mr. Black agreed that there are problems with voice recognition,
46 which is improving. However, he believes there has been a significant increase in detail.
47 Commissioner Bowen stated that in one item, a comment was made that read "a Commission
48 Member" which was clearly a statement made by Commissioner Frost. That was of concern to

1 him. He suggested that a possible solution might be for Mr. Black to review the minutes prior to
2 distributing them to the Planning Commission.

3
4 (20:43:49) Mr. Black explained that he had always proofread the minutes in the past. However,
5 approximately six months ago, the City Recorder asked if the minutes could be sent directly to
6 the Commissioners. The Commissioners now receive the minutes the same time he does.
7 Mr. Black agreed to review them prior to distributing them to the Commission Members.
8 Commissioner Bowen liked that option since Mr. Black can make many of the necessary
9 corrections. Further corrections can be made by the Planning Commissioners, provided the
10 minutes aren't scheduled for approval several months after the meeting. Mr. Black stated that
11 there should not be a problem scheduling the minutes for approval within a couple of weeks of
12 the meeting.

13 14 **7.1 January 9, 2008**

15
16 The January 9, 2008 minutes were previously approved.

17 18 **7.2 January 16, 2008**

19
20 The January 16, 2008 minutes were previously approved.

21 22 **7.3 February 6, 2008**

23
24 (20:45:20) *Commissioner Haymore moved to approve the minutes of February 6, 2008, with*
25 *the changes submitted. Commissioner Rosevear seconded the motion. Vote on motion: Amy*
26 *Rosevear-Aye; Doug Haymore-Aye; J. Thomas Bowen-Aye; JoAnn Frost-Aye; Perry Bolyard-*
27 *Aye; Jim Keane-Aye; Gordon Nicholl-Aye. The motion passed unanimously.*

28 29 **7.4 March 19, 2008**

30
31 (20:46:20) *Commissioner Rosevear moved to approve the minutes of March 19, 2008.*
32 *Commissioner Keane seconded the motion. Vote on motion: Amy Rosevear-Aye; Doug*
33 *Haymore-Aye; J. Thomas Bowen-Aye; JoAnn Frost-Aye; Perry Bolyard-Aye; Jim Keane-Aye;*
34 *Gordon Nicholl-Aye. The motion passed unanimously.*

35 36 **7.5 August 20, 2008**

37
38 Mr. Black read Commissioner Bowen's comments, which identified the changes made to the
39 August 20, 2008 minutes. Commissioner Bolyard added that he was also shown as voting on the
40 adjournment, which he did not. Commissioner Haymore commented that while he does not
41 mind stylistic and grammatical changes, he was uncomfortable approving minutes that require
42 substantive changes or are missing motions. It would be his preference to not approve them until
43 the corrected copy is received. The Commission Members agreed.

44 45 **8. ADJOURNMENT.**

46
47 (20:51:36) *Commissioner Bowen moved to adjourn. Commissioner Keane seconded the*
48 *motion. Vote on motion: Amy Rosevear-Aye; Doug Haymore-Aye; J. Thomas Bowen-Aye;*